

THE PRACTICE
OF THE a 1813
BANCKRVPTS
OF THESE TIMES: ~~7/2~~ 9

In whom are considered,

- { 1 Their fraudulent and deceifful actions.
- 2 The evils accompanying their courses.
- 3 Laws and Punishments ordain'd to curb them.
- 4 The charitable cure of so great an evill.

A worke now very necessary.

Written in Latine by Mr Daniel Samerini, and
made to speake English for the generall
good of all Commerces.



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TO ALL
THE HONORABLE
AND WORSHIPFULL:

And all other of what degree soever, who have occasion to deale in any passages betweene Creditors and Debtors, the Translator wisheth all happiness.



Onorable and Wor^u.

I am not so perversly minded, as not to discerne, nor so ingratefull as not to acknowledge Gods great goodnesse to our Nation

in granting and bestowing on us, as all
things needfull for our bodies, so also
plentifull and necessary instructions for
our soules. Yea I behold with much joy
many of the Sages of our Law, and o-
thers in place of Government, adding to
their skill in the Laws of this Land, and
promptnesse in matters concerning mens
temporall estates, the knowledge of
Gods sacred Book, and heavenly skill:
as for the Salvation of their owne souls,
so also for keeping others from unjust
courses prejudicing their eternall estate.
I see this, I say, in many, I hope it in
the rest: hence therefore I am induced
to present this Treatise to the Patro-
nage of all such as love Gods sacred
truth, and be in place, and strive to
promote faithfull and just dealing be-
tweene man and man: without which

two, prop̄s the Commonwealth may desire, but will hardly finde true safetie. So that their endeavour is highly to be commended, who employ their thoughts and paines in upholding the same. Subtle heads may devise, and worldly policie may forge many shifts ; but justice armed with insight into divine and humane lawes, will never, or not easily be deluded. Goe on therefore with noble and undanted resolutions, shew your selves still and ever men fearing God, and hating Covetousnesse. By rooting out of the vice in this Book treated of, take away the blemish of Merchandise, the subverter of faire and just dealing, the bane of Widowes, and Orphanes and many others, the underminer of Justice, the staine of Christian profession. So being faithfull in discharge of

your places for a short time here,
God of his mercie and goodnesse will
advance you to a place of endlesse
blisse hereafter.





To the most Noble, High and Prudent
Counsellors of State in Holland.

Ancient writers to en-
noble the force of Musick,
have recorded, that it
hath cured divers infirmities both
of body and minde. How farre
their relations may bee credited
may not without cause be que-
stioned. But tis undoubtedly true,
that the diseases of mens minds have
been and are often cured by pious re-
proofs, seasonable admonitions, faith-
full counsels, and religious directions.
For to this end God hath given us
his sacred Scripture, that it might
be a Closet and store-house full

fraught with medecines of this na-
ture, by which the depravations
of humane frailtie may be corre-
cted, and men bee perswaded
(which God often inculcateth)
to eschew evill, and doe good. Having
well weighed this with my selfe:
I resolved among other Ecclesias-
ticall performances of my calling,
to attempt the cure of a most dan-
gerous and pernitious sore among
tradesmen: who by crafty de-
vices and ungodly courses become
Banckrupts to the disgrace of their
calling, disturbance of the Common-
wealth, impoverishing of their Credi-
tors, and the discredit (a thing much
to be lamented) of Christianity. And
surely much the worse are the pra-
ctises of delinquents in this kinde,
because

because God of his especiall favour
hath given us plentifull know-
ledge , and divine directions most
cleere , to keep us in the wayes of
God, and in honest, faithfull, gra-
tious , and Christian dealing. Fur-
ther , when I saw and considered
the ill consequents of Banckrupts
naughty practises ; I judged them
more hurtfull and mischievous ,
thā their diseases who are affected
and afflicted with corporall mala-
dies of what kinde soever ; for bo-
dily diseases especially grieve the
outward man of the partie disea-
sed , & often conduce to the safety
of the soule : Whereas the evils ac-
companying Banckrupts proceed-
ings , cause much detriment and
harme to all such as deale with
them,

them, and cast the Banckrupts
headlong into many sinnes preju-
diciall to their soules. Thence it
is that often yee shall find Banck-
rupts deafe to good counsell, lame
and not able to tread in the pathes
of equity; blinde, and not willing
to see what belongeth to faire
dealing. Men distracted, and such
as be infected with the plague, are
shut up in close places from doing
mischief: But banckrupts frequent
Markets and places of Commerce,
and by crafty & cunning carriage
wrong full many. Obstructions
in the veines may breed some dis-
eases in mens bodies, but the inten-
tions and dealings of these craftie
deceivers cause obstructions and
stoppage to all faithfull dealing &
trading.

trading. Wherefore I have in brief,
1. Layd open the diseases of Banck-
rupts. 2. Shewed the vices incident to
them. 3. Declared what laws have bin
enacted to prevent their evill dealings.
4. Unfolded the remedies necessary for
the cure thereof. And in each part
of my discourse intermingled pi-
ous and wholsome exhortations,
reproofs, admonitions out of sun-
dry learned & approved authors;
and with that moderation dealt
with them, that if they rightly
consider of my Endeavours, they
shall have more cause to embrace
and like of this Treatise, than to
maligne and reproach it. I am one
among the rest of Gods watch-men, *Ezek. 3*
and seeing so manifest a mischiefe *17. &c.*
bred, growing up, and increasing,
might

might not in any wise hold my peace.
May it please you to accept of, and
take into your patronage a worke
so necessarie for the Credit and
quietnesse of a Christian Com-
monwealth, and the defence and
protection of many Innocent and
wronged Creditors. Thus pray-
ing God to protect you under the
shadow of his wings, and to di-
rect you in these troublsome times
for the happy & prosperous man-
naging of the charge committed
to you, I rest

Mars, 20. 1615.

Your Highnesse in all Christi-
an observance to be com-
manded,

Daniel Sauterius.



The Translator to the Christian Reader.

Iwish from my heart (gentle Reader) that this Booke usefull (as it seemeth) in other Countreyes, had been needlesse in ours. So might I have spared my labour in translating it, and you better have imployed your time than in reading it. But such is the frequency and obliquity of Banckrupt courses at this day with us, that it was thought necessary to fetch these Antidotes and Medicines for the same from our neighbors Countrey. And I knew not where better to finde them, than in this learned Author; who in this his discourse hath spoken of this subject briefly, and yet usefully, judiciously, religiously. Read it thorough, and seriously consider each passage. No ingenuous and well-minded peruser hereof can choose but be bettered by it in his judgment,

as, for the producing in his heart an hatred
of this vice: so, for discerning the crafty
wiles & tricks of them, who will lay Harpies
claws on what they can catch, and part from
nothing which possibly they can hold. It can-
not otherwise be, but that some persons at
sight hereof will fret in their hearts, bend
their brows, and sowe their speeches. I wish
them a better temper, and more calme affe-
tions, & such a demeanor towards them, who
mind their good, as may cleerely testify good
ground of hope for their amendment. Mr Da-
niel Sauterius the religious and learned
Author hereof, being a worthy and faithfull
Watch-man of God, hath given warning of
the evill in the world, which he saw to grow
too rife and encrease exceeding much; Hee

Ezek. 3.
17. 18.

Ezek. 18.
21. &c.

hath admonished the wicked of his
wicked way, and done what God his
Master enjoyned him: *It remaineth also*
that men doe their part, And turne out of
their evill wayes, that they may live.
If there be any who notwithstanding will run
headlong on in their owne courses and frau-
dulent practises, to them I say; Goe noo now

ye

ye false and deceasfull dealers: rejoice in
your advantages jubilily goe, whilst they
which loose by you, weep: Cloth your selves
bravely, feed daintily, looke high, whilst your
Creditors goe with dejected Countenances,
bee barely clad or naked, and want necessary
food: Abound you in all jollity und earthly
pleasure, whilst others groane under the bur-
den of sad miseries, into which you have cast
them: But remember that for all these things
God will bring you to Judgment. But I hope
better things of you, and such as tend to the
future reformation of your courses. I wish
the intelligent and godly Reader to hope the
same with me, and admonish all who have
been subtle and fraudulent delinquents in
the practises here spoken of, not to deceive us
in our hopes, least they deceive themselves
of their future comfort. More I shall not
need to say, because the religious Author
hath very well opened his minde concerning
this Treatise, and I have briefly comprised
it in the Epistle precedent.



THE PRACTISE OF THE BANCKRVPTS OF THESE TIMES.

The first Part,
Declaring their deceitfull
actions.



Eathen writers of Old ^A complaint
exclaimed, O the Times! ^{of the corrup-}
O the courses of men! O ^{tion of the}
their wickednesse! For ^{times.}
they saw an infinite and
intolerable licentiousnes raigning; they
saw the barres of shame, and bashtul- ^{a Phin. Epist.}
nestic broken up, and audacious men da- ^{2. 14.}
ring to doe any thing, and running into
extremity of sin without measure or re-
straint.

B. restraint.

^b Juvenal.
Sat. 13.

^c Sene. of
Auger. B. 2.

straint. They observed ^b that there could be no bounds or limits set to mens sinning, where an ingenuous blush was quite banished from their hardened foreheads. They saw the market place full of buyers and sellers, and plentie of Commerce, but saw likewise vices as frequent, as men. They beheld ^c one man supplanting another; scarce any man gayning but by an others losse, and some others for a little pleasure or profit, not caring whom they ruined; Then appeared also more wayes to sin than means to restraine iniquitie, and men striving dayly, who should outvie each other in mischiefe. Then prouesse to sinne increased, shame-facednesse decreased: So that due respect to Authority and Justice being expelled, unbridled desires rushed which way they lusted; Innocencie was rare, Vice frequent, and sought not secrecy, but was so rooted in mens hearts that it feared not publick view.

These of old were the Heathens Complaints; and have not the streames of vice from former times flowed down to us; and all later times made good, what our Saviour foretold of the dayes after ^d Mat. 24. 12. him? Because ^d *Iniquitie shall be multiplied*

plied, the Charity of many shall wax cold.

Even now wee see, as it were a Trumpet sounded to make a generall Concourse of all men for the confounding of right and wrong. Now are benefits ^c re-

Senec. B. 5
of Benef.

quited with mischiefe, and men spare not to shed their blood for whose sake they ought to venture their owne. In a word this was our Ancestors complaint, this is ours; That ^f vertue is subverted, that vice reigneth, that all things grow worse among men, and that the reines are let loose to all impietie.

f Id. B. 1. of Ben.

That I may not seeme to be the Author of the Worlds defamation without just cause, a while examine with me the life and courses of the men of these times. I wish they had not proceeded to the highest degree of injustice. Even now ^a Justice is rare; impietie, injurie, covetousnes common; good men become a prey to the bad. There is no faithful dealing, no peace, no humanity, no shame, no truth; ^b craft and subtle dealing is more prized than faithfulness. This is most true in the generall Courses of men. But especially among Banckrupts; so that to defraud others, and leave trading, is no more disgrace, than to goe from a Winter house

2.

That matters grow worse and worse is proved by ou Banckrupts.

^a As Lactant. of old B. 7. & 15. of Div. reward.

^b Salust.

to a Summer house in May.

Plaut. in
Pers.

^d Prosperum ac
Felix scelus vir-
ius vocatur.
Senec. Trag.

Senec. B. 3.
c. 1c. of Be-
nef.

^e Dio. in
Nerv.

Salvian. of
Gods govern-
ment. B. 1.

3
Of two sorts
of Bankrupts.
Tull. de orat.

As ^e easily doe some shift of their Creditors, as a wheele in a swift race turneth round. What else is cause of these and the like evills, than a Corrupt Judgment of things? As namely, that ^d successe in ill and fraudulent dealing maketh it counted a vertue.

Because their Craft prospereth, even the successe maketh a perverted Judgment to thinke their sinne warrantable; so that away they passe without punishment. Then ^e also the multitude of offenders taketh away the shame of the offence, and the Commonnesse of the ill report maketh it cease to be counted a disgrace. So that hereby it ^f cometh to passe, that we live in an age in which, I say not, a man may doe nothing, but in which a man may doe any thing. For now bad men become worse by their good successe, and please and delight themselves, that the designes of their knavery ^g have a prosperous issue; such are our times, our Courses, our naughtiness.

Concerning Banckrupes there are (for a right distinction of things beautifieth speech, and preventeth objections) severall

mall kindes. The first is of them, who by casualties have their substance wasted: The ^b second sort are they, who by their owne default are impoverished: These last are the worst sort of men and deserve no pitty. Of them I intend to speake in due order. So that my speech shall aime at no particular man, but make an inquierie of the vice in generall. Whosoever therefore (as in like case S^t Jerom saith) shall be offended therewith, even confesseth himselfe in particular to be the man, who in generall is spoken of.

^b Benven. in his Treasurie of Banckrupts.

And first I will speake of Banckrupts become so by Casualties. The Lawyers say well; out ^a of a hatred to the Guilty, to lay blame on the Guiltie, is contrary to naturall equity. And tis thought altogether inhumane, that a Banckrupt should be punished, whose goods have been wasted by certaine and evident casualties. Wherefore we cannot well lay the blame of his failing upon himselfe, if it be made manifest, that he lost not his goods by his own default.

4
Of Banck-
rupts become
so by Casual-
ties.

^a Sancinus de
pax c. 1. de
injur. lib. 6.

Now breaking of mens estates may befall, first by casualties at Sea: when ^b the Merchant by restlesse paines (desiring Horat. to fly povertie) sayleth to the Indies, and

6 *The first part, of*

miscarrying by stormes in his voyage becommeth poore. Wee ^c all know that nothing subjects a man more to casualties, than the Sea ; and that ^d a Marchant needeth prosperous fayling, who shall stand to his engagements : which if hee find not, he must needs be impoverished, cannot pay his debts, and is compelled to leave the Exchange. ^e They ^c may bee overthrowne by casualties, who fall into Pirats hands : for Pirats ^f range and rob at Sea, hinder Commerce, shut up the Ports by their forces, and are worse than a Tempest, so that no ship well fraught with wares of worth can passe them. And ^g thereby often the Merchant becometh insolvent, and departeth his Countrey. Lastly, some men without their owne default, loose their estates by being fraudulently dealt withall by others : So ^h it befell the Prophets wife left in debt by her husband, not by her owne, but by anothers default ; in this manner it may come to passe, that an honest man may suffer through another mans fayling & naughtiness. To become banckrupt absolutely by another mans default, is not lyable to infamy : and ⁱ therefore question need not be made concerning

ing

^a Tacitus ann.

^b Senec ep, 36.

Benven.

Treat. of
banckrupts.

^c L. Florus B.
c. 6.

Chrysost.
om. 4. on
Gen. 1.

² K. 4. Jo-
seph. antiqu.
3.

Alex. of
Alex. B. 5.
5. 2.

ing his corporall punishment. Hence, *Otho* made a law, that men impoverished by Shipwrack, not by their owne negligence or wastfulnesse, should stand in an appointed publick place, that all men might see them, and out of true compassion relieve them. But wholover spent themselves by riotousnesse and ill courses, should be quite excluded and denied that benefit. Now further consider we, what men undone by casualties are to doe.

When crosses able to breake mens estates doe befall them, and much trouble them, they ought not to fret and grieve, but possesse their soules in patience. For ^a then is adversitie patiently to be undergone, when a man is not cause thereof. Well said *Cicero*, common ^b and uncertain casualties which providence could not avoid, are wisely to be suffered; Impatience lessenth not, but aggravateth greifs; whereas moderation ^c of minde is like good sawee, and sweetneth adversity. Let them therefore that are exercised with crosses, take unto themselves a patient prudence, and learne to mollifie hardship befalling them, with the skill of right learning adversity. And let

What men
undone by
casualties
ought to doe.

^a Cicer. fam.
ep. 8.

^b Idem. fam.
epist 5.

^c Plant. in
Rudent.

8 The first Part, of

e Senec.
ep. 103.

them think, that this is one Haven of a sea-tossed & troubled estate, to contemne chance, to stand boldly & ward the darts cast by crosses with a resolute heart prepared for them. Besides, let them remember, that they be men brought forth and subject to the common misery of humane condition, and may not refuse to live exposed to that frailtie, to which men in this life are borne. Let them with patience undergoe the casualties, which by any Councell, Prudence, and Providence they could not avoid, and remembiring the crosses, which have befallen others, think with themselves, that no strange, or uncouth, or unusuall matter hath befallen and light upon them. Let them take *Job* for a pattern of singular patience in manifold miseries: So also *Abraham* a man conspicuous both for crosses, and happy successse. With what evennesse of carriage, with what resolution, did both these beare their troubles? In this manner all may be happy, who have learned by the course of human life well and humbly to beare miserie, and not to shake off the yoke laid upon their necks. God the high and Almighty Governor of the world, permitteth crosses to fall on men, yea

f Job 1. 21.
&c. 10.

yea layeth them on some : Not ^g out of a desire to plague them, or to hurt them, ^g Arrianus to Epict. 1. 12. but like a good Physician, Tutor and Father, to doe them especiall good. For we ^h know , that all things work together ^h Rom. 8. 28. for good to them , that love God. Affliction ⁱ brings forth patience , patience ⁱ Rom. 5. 34. experience , experience hope , and hope maketh not ashamed. If you desire the furtherance of your owne Salvation : Hearc what the Apostle saith , ^k We are ^k I Cor. 11.31. judged and chastised of the Lord , that wee shoud not be condemned with the wicked world. Doth your faith languish? Crosses assault you , that it may be rouzed up : God ^l is good to you ; for if he did not ^l Aug. in ps. mixe some bitterness amidst the happy- 93. ness of this world , wee shoud forget him. But by his raising stormes in mens mindes, by vexations and crosses he wa- kens faith , which before lay asleep. Wherefore God by ^m afflicting men out ^m Senec. of fatherly good will to them , desireth to put life into them , and to make them get new strength. So that those rather are truly to be called miserable , who lie snorting in too much happiness , whom a lazie restiness possessteth , as in a becalmed Sea. Let us then think it best with patience

patience to beare , what God pleaseth to lay upon us : He ruleth as King, we must obey : Neither shall we ever be well prepared for crosse , unless: without murmuring in the midft of all troubles we can often say ; *Deo aliter visum est , immo Deo melius quid visum est :* God hath a hand in this , yea , God hath laid this crosse on me for my good: He knew what was best for me. Our minds being thus composed , will moderately and thankfully entertaine happiness , and resolutely and constantly beare adversity.

6

Of the second sort of Banckrupts , who fail by their owne default.

^a Benvent in his Treatise of Banckrupts.

^b Val. Max. B. II.

Further to comfort the former sort of Banckrupts , shall not here be requisite ; because our intent is not to treate of them : Come we to the second kinde of Banckrupts who are ^a impoverished by their owne default , and are indeed the worst sort of men, worthy of no commiseration ; for their ill carriage maketh them uncapable of pitie: Hence first antiently they were counted contemptible and infamous. This we see by *Crassus* , called the Rich ^b: His poverty in the end put on him the name of Banckrupt ; for his goods (because he could not make payment to his Creditors) were sold and himselfe walking , as a begger , saluted with

with the bitter geere ; Behold rich *Cras-
sus*. Secondly , they were forbidden
commerce. The 12 Roman tables say
thus : *Because c you lavish out your estates,
are therefore forbid you the use of money
and Commerce.* Thirdly , they were ad-
judged unworthy of the name of Trades-
men : for he that trades ^d unjustly or is
an ill Tradesman , is not properly called
a Tradesman , but equivocally and abu-
sively. Fourthly , because not observing
the rules of fidelity , they deserve the stile
of fraudulent walters of other mens mo-
ney , and in ^e Latin are called *Decoctores* ;
which word cometh from *decoquo* to
boyle away ; for as fire by little and little
boyleth away the substance of any li-
quor : so these Banckrupts by degrees
waste and diminish their estate. Fifthly ,
in *Tuscany f* and all Italy , they are called
Bancafalliti , and in divers other Coun-
tryes Banckrupts , because they faile ,
breake , and appeare not at the banck ,
table , or compting bord , where they
should pay their debts .

Of these let us speake in order , for (as
Cicero) tis not enough to finde out and
declare any thing : the maine matter is
judiciously and orderly to intreate there-
of .

^c Jul. Paulus
sentent. 13.6.

^d Baldus in
Cens. 74.

^e Benvent.
in Treat. of
Banckrupts.

^f Boerius b.
7. Divis. 215.

ef. Concerning this sort of Banckrupts first we will unfold their decepts in getting other mens money into their possession. Secondly, we will describe their divers courses of wasting it. Thirdly, we will lay open their base and dishonest purpose to deceive and faile their Creditors.

7

Of Banck-
rupts crafty
course to get
money into
their possessi-
on.

^a Plaut. in
Rud.

^b Aristophan.
^c Lactant. B. I.
of true wor-
ship.

Humane corruption ^a hath devised many tricks and snates to deceive the unwary. Fowlers houses are not more full of engines to catch birds, and fill their cages; than Banckrupts heads are full of plots to store their warehous^b; Nor herein onely doe they deale craftily, but also dishonestly, and knavishly. Gaine is the mark^c they aime at; which if they cannot attaine by their lawfull trading, a false finger must doe the deed; they will cheate, steale, spoile, circumvent, forsware, stick at nothing; so that they may glitter in brave apparell, rings, pearles, and make a gallant shew with their silver and gold, and satisfy their greedie desires with other mens wealth. Their first trick is pretending themselves to be rich; for ^d there is (saith Salomon) one that maketh himselfe rich, when indeed he hath nothing: These Banckrupts will

^d Proverb. 15.

will make a shew as if they were Magnificoes, brave and accomplished Merchants and Traders, both by their words and courses, though they be of meane estate. Secondly, they conceit that brave apparell, orient Pearles, gold Chaynes, and the like gallantry will easily beguile the common people, who judge ^c much ^c Cic. Orat. pro Rosc. from a light opinion, little from reall truth. Whence the report of their wealth shall be so blazoned, that there can be no better birdlime for their bush. Admonish ^f them of carrying a lower sayle; Tush say they, I scorne it: It becometh me not: Tis not suteable for the time, this lofty carriage is for my good. Thirdly, to gaine the peoples applause, they build stately houses, astonishing the beholders with their strange Architecture, the ready way (saith Livis) to make rich men run much into other mens debts: So that 'tis a vanity of fooles and mad men, to gaine popular applause, and to make a nine dayes wonder for to get an opinion of their worth in mens minds, which soone fadeth, dyeth and deceiveth them. For what ^g is it to pretend large possessions, and to be much ingaged for them? to have brave houses, but built with other mens

ad Eugen.

Laetant. B.
of true wor
ship II.

mens money? to have gallant attendance, but to want means answerable? Those are ill accomptants, who see not that having paid their Creditors, they are just worth nothing; a Cipher may serve instead of *summa totalis*. The tongues of Banckrupts drop ^h milk and hony, when their hearts are fraught with Gall and Vinegar. They sweeten ⁱ the Jip of the cup with sweet juyce, when the potion is wormwood; and guild the pill and cover the distastfull Aloes, not to doe good, as loving Mothers and skilfull Phyfitians are wont, but to wipe ^k men of their money with a few faire words, and closely and covertly to purloin other mens estates. Many more are the tricks and shifts of these deceivers: So that had I *Centum linguas, oraque centum*, an hundred mouthes and tongues, yet could I not rehearse the names of their tricks and legerdemain, much lessc fully deciper them; Let us further proceed to open them as well we may.

When once Banckrupts have pursed the Coyne, not long after there is little hope of making payment; their hands are lime-twigs, what once ^a they lay hold on, they never let goe. If you demand,

^h Plaut. in
Trucul.

ⁱ Lucret. B. I.

^h Plaut in
Pers.

8

What Banck-
rupts do, have-
ing got money
into their
clutches.

*a Manu arrip-
de nunquam
postea eripide*
Plaut. in Pe. f.

mand, what is due, and require restitu-
tion of the money lent. 1. They have in
their mouthes *Antigonus*^b *show* his large
promises ; but as *Chares the Athenian*
they will pay nothing. 2. If you urge
and preſſe them to ſatisfie at the time ^d *Appointed*, they desire forbearance a
while, they ſaine excuses, plead hardneſſe
of the times. 3. If more and more you be
iſtane with them; Then they ^e *who* ^e *Teren in*
could not at first deny payment, now *Andria*.
when the time of performance is come,
they muſt needs ſhew themſelves and
deny it ; and then moſt impudently they
ſay; what are you ? what would you
have me doe ? will you begger me and
mine ? I love you, but I muſt love my
ſelf better. But aſke them ; Is this your
performance, is this your fidelity ? they
are not aſhamed at all. At the borrowing
where they ſhould be baſhfull and
timorous, leſt they ſhould not be able to
pay, shame was farre from them : Now
when they ſhould pay, they feare, they
bluſh, hide themſelves, which they
ſhould not doe : 4. If you threaten to
bring them before the Judge, they iſ-
bitter and ſowre their ſpeech, counter-
nance and gesture towards you, and with
opprobrious

^b *Plutarck in*
the life of A-
mil.

^d *Eccles. 29 4.*

mens money? to have gallant attendance but to want means answerable? Those are ill accomptants, who see not that having paid their Creditors, they are just worth nothing; a Cipher may serve instead of *summa totalis*. The tongues of Banckrupts drop ^h milk and hony, when their hearts are freight with Gall and Vinegar. They sweeten ⁱ the lip of the cup with sweet juyce, when the potion is wormwood; and guild the pill and cover the distastfull Aloes, not to doe good, as loving Mothers and skilfull Phyſitians are wont, but to wipe ^k men of their money with a few faire words, and closely and covertly to purloin other mens estates. Many more are the tricks and shifts of these deceivers: So that had I *Centum linguis, oraque centum*, an hundred mouthes and tongues, yet could I not rehearse the names of their tricks and legerdemain, much leſſe fully decipher them; Let us further proceed to open them as well we may.

When once Banckrupts have pursed the Coyne, not long after there is little hope of making payment; their hands are lime-twigs, what once ^l they lay hold on, they never let goe. If you demand,

^h Plaut. in
Trucul.

ⁱ Lucret. B. 1.

^h Plaut in
Pers.

8

What Banck-
rupts do, have-
ing got money
into their
clutches.

*a Manus arripit
de nunquam
postea eripide*
Plaut. in Pers.

mand, what is due, and require restitu-
tion of the money lent. 1. They have in
their mouthes *Antigones* ^b shew his large
promises ; but as *Chares* the *Athenian*
they will pay nothing. 2. If you urge
and press them to satisfie at the time ^d
appointed, they desire forbearance a
while, they faine excuses, plead hardnesse
of the times. 3. If more and more you be
instante with them ; Then they ^e who ^e *Teren* in
could not at first deny payment, now *Andria*.
when the time of performance is come,
they must needs shew themselves and
deny it ; and then most impudently they
say ; what are you ? what would you
have me doe ? will you begger me and
mine ? I love you, but I must love my
selfe better. But aske them ; Is this your
performance, is this your fidelity ? they
are not ashamed at all. At the borrow-
ing where they should be bashfull and
timorous, lest they should not be able to
pay, shame was farre from them : Now
when they should pay, they feare, they
blush, hide themselves, which they
should not doe : 4. If you threaten to
bring them before the Judge, they im-
bitter and sowre their speech, coun-
tance and gesture towards you, and with
opprobrious

^b Plutarch in
the life of *Æ-
mil.*

^d Eccles. 29 4.

f Plaut. in Cap.

g Eccles 29. 5.

h Lysias in A-
then. B. 13.

oppotribious and disgracefull words re-
vile you. The f greatest part of men are
of this temper. They are kinde and good
till they obtaine their desire ; when they
have obtained what they would , then
become they starkē nought and extreme
fraudulent. These (as Siracides ⁵ saith)
till they receive what they desire , kisse
their neighbors hand , and humble their
voice , and at last pay him with cursing
and rebuke , and give him evill words
for his good deeds : for they reckon the
money which was but lent them , as a
thing found , and conceit that which
was lent them to use , as truly their own ,
as their patrimony rightly descended
upon them. An utter evill kinde of men
are these ! may you not well affirme
that there is lesse danger in a storme in
the Irish Sea , than to deale with them ?
Let us see how they bring themselves
into these evills.

9

The courses of
Bankrupts
for spending
their own and
other mens
estates.

¶ Cicero.
Offic. I.

Tis no wonder that these Bankrupts
have no fidelity , nor care of restitution ;
for they obserue no meane , no stint in
spending , many wayes they lavish out
their estate. First , by prodigall and foo-
lish largesse , not out ^{*} of a bountifull
nature , but vaine glory , and to expend
more

more than their estate will bear, ^{as in 2d} & so
grapple Heraclitus the great Nephew, page 6 Joseph. an-
gaging himself thereby. Or secondly, ^{as in 3d} tiqu. 18. 8.
these Bankrupts spend all in riotous
and excessive cheer, ^{as in 2d} & the & others ^{as in 3d} who c Polyb. 13.
plunged themselves into debt by their
delicious fare. Or Thirdly, at gaming
houses take a compendious way to tooke
all, imitating *Clodius Caesar*, who was a Sucton.
a most studious gatherer, & wrote a
book of the Art of gaming. Or fourth-
ly, as *Pericles* ^{as in 2d} the Athenian, by magni- e Plutarc. in
ficent building which either shall have Peric.
a short or no continuance whereon to
cred their memorie. This ^{as in 2d} is also a ready
vaine of late less expence to squander ^{as in 2d} a
way the parimony of light-holders. Or
fifthly, they consume their goods by giving
themselves up to luxurios ^{as in 2d} & preparatum g Florus 32. 12.
of insignificant banquets, which sumptuous
our mother will ere long bring forth
poverty a bare and needy daughter. So
hersby may bee exhibited in a Prince
treasure ^{as in 2d} hersby the *Baron* ^{as in 2d} & after this
Lansd ^{as in 2d} battall consumed their wealth
and proved before ^{as in 2d} unkyards. In *2d*
this time there were found some ^{as in 2d} who
spent all their indolent and whole life
in nightly revells. And after his dayes
f Lactan. B. of true wor-
ship 6. 11.
g Florus 32. 12.
h Tacit. B. 1.
i Polyb. B. 10.
k 2. ag. Catil.

Benvent in
Treat. of
Bankrupts.

there arose others, who by sumptuous banquets and gluttony lost both wit and wealth together. Such are still living, and are the wastfull brood and successors of those riotous and spend-all Progenitors and predecessors. From these causes have issued such abundance of insolvent debtors.

10

The purpose of
Bankrupts to
run their
Countreyes or
conceale them-
selves from
their Credi-
tors.

^a Macro. Sat.
B. 2. ch. 4.

^b Plin. B. 36.
ch. 5.

^c Val. Max.

^d Sueton.

We see also many now adayes as deeply engaged as the Roman Knight, ^a to walk up and downe idle and heartlesse, and not unlike to ^b *Annius b Milo*, who did owe 700 Sesterties, and by *Plinie* is censured, as a Prodigie among men: Or as *C. Cato* ^c, who was engaged for 600 Sesterties: Such men concurt in their onely course with *C. Galba* ^d the brother of *Sergius* the Emperor, as they have run out of their estates, so to run out of their countreyes. Wee need not seek far for domestick examples equalling the worst of these, and never minding to pay their debts whilst they live, and therefore to their great ignominie and disgrace, dishonestly doe they purpose to fly their native countrey, or play least in sight and new themselves up from their Creditors aspect: And so to lye close for a time, till compact can be made with {their

their Creditors, to take part for their whole debt. ^e So that they may be justly called, not onely *Forifuge* Runagates from the market, but *Lucifuge* Runagates from the sight of men, and are termed by *Ulpian* ^f night birds and batts: ^f Pandect. 21. who in respect of their ingagements in the day lurke unseene at home, and lest they should be caught by their Creditors, scour forth in the night. I cannot but mourne for their naughtinesse, because it little moveth themselves. Oh their blindness justly to be bewayled ! For who is ^g more miserable than a miserable man, who is unsensible of his own miserie ? Charity saith *Bernard*, moveth me ^h to grieve for them, who being in a grievous estate, grieve not for themselves; yea it maketh me the rather to pity them, because when their case is pitifull, they persuadre not themselves in how pitifull a condition they are. Well, let us proceed in this discourse. Plenty of matter afforded carrieth us on further and forbiddeth us here to desist.

^e Minsing Inst. 4. 6.

^g August.

^h Bernard.
Epist 2.



THE PRACTISE
OF THE
BANKRUPTS
OF THESE TIMES.

The second Part,

*Shewing the Evils incident to
Banckrupts.*

Many evills
proceed from
the fraudu-
lent dealing
of banckrupts.

As Horacea
sat. 1. Serm.1.

^b Book 3. of
offic.

But what? me thinks I heare the
Banckrupt within himselfe say: The ruderable of the people geare
and hisse at me, but I applaud my selfe at
home when I view the baggs in my
chest; what need I care, what my Neigh-
bours chat: when as I know, how by o-
ther mens miseries and griefe to get a
goodly and rich prey for my selfe? A-
way with this impudent speech. Hea-
then *Tully* could ^b censure it for a crime
of

of wicked men, that any thing should
seeme good and profitable for them,
which is not also just, honest, and may
stand with their credit. Undoubtedly in
these our times tis much to be lamented,
that men out of an opinion of things be-
ing for their good, that is, their profit
and advancing their estates, rush head-
long into many evils, if not into their
owne perdition. Now that we may re-
call and withdraw Banckrupts, who
are deepest in this bad opinion, from
their ill courses: Let us consider the mul-
titude, confluence, and finck of evills if-
suing from their enormous courses. Yea
there is an Ocean of them; may you
please with me compendiously to saile
through them.

Many things there bee troublous to
Commonwealths, pernicious to Cities
and Kingdomes; but nothing worse
than the courses of fraudulent wasters
of their estates. For as the Sea is calme
of its owne nature, but made dangerous
by violent winds: So a state quiet in it
selfe, is made subject to most violent
tempests by the actions of fraudulent
dealers. For they preferring their owne
gaine before the publick good, disquiet

The first evill
of Banckrupts.
They disturbe
the Common-
wealth.

a Offic. 2.

and disturbance the commonwealth. This is evident. First, because fidelity in performance of Covenants and Promises is one maine foundation of a well ordered Commonwealth. Nothing saith *a* *Tully* doth more keep a State in due course, than fidelity in dealing, which is utterly taken away if there be not a faithfull and true payment made to Creditors. If Banckrupts the Arch-builders of fraud, utterly subvert and take this away, as indeed they doe, who doubteth

b Bodin of the
Com. W. B. 5.

b but that the Commonwealth, unless prevention be in time used, will shortly be ruined? Secondly, by Banckrupts

c Cicer. offic. 1.

courses, Trading which *c* was invented for the maintenance of the life of man, is quite overthowne: yea commerce and dealing of man with man is the bond and prop of Cities and Kingdomes: If then Banckrupts weaken or violate performance of fidelity, which to doe faith

d Rhet. to
Theod. 1. 15.

d Aristotle overthoweth all use of trading among men: The Commonwealth cannot florish, but become a body without a soule. Thirdly, often seditions and & discords arise upon Banckrupts cheating their Creditors of their estates, or Compounding with them for the third

or

or fourth part. *Tuliy* ^c censured that the ^e Bodin of the cancelling the first Covenants made Com. W. 5.11. with the Creditors, and drawing new Covenants is the overthrow of the foundation of a State. And *Seneca* ^f saith, that ^f Cælius An- the benefit of new Compounding is ^{tiq. 12. 10.} most pernicious to a Commonwealth. And surely no lesse mischiefe cometh to a City by giving liberty to Banckrupts to abide insolvent; for hereby a greater occasion ^g is afforded desperate men to ^g Bodin. 5. 11. violate their promises and Covenants, and to disquiet all. And truly this will be the Condition of our times, unlesse speedily a remedy be applyed to prevent this mischief spreading in the bow-
ells of the Commonwealth; lest ^h as a ^h Por. Latr. in flame at length it so prevaile, that it lay Catil. hold on all (which God Almighty prevent) and we in vaine goe about to quench the furious and exorbitant flames thereof.

In the Actions of Banckrupts, perjury hath its place: If ^a fraud and perjurie be incident to the courses of ill trading, much more to the courses of Banckrupts by whom no course is ^b counted ill, which may make for their gaine: Thence goe they on to the Carthaginian ^c perf-
C 4 dioulines,

The second
evil of Banck-
rupts, is per-
jury.

^a Salvian. B.3.
of Gods go-
vernment.

^b Sophocel.
^c Cic. B.1. of
the Punick. W.

^a Plaut. Bragg
sould.

^e Plaut Aulul.

^f Alex. of Alex.
B. 5. C. 10.

^g Aristoph.

^h Sueton.

ⁱ Catul.

diousnes, and obserue no true: , no holy dealing , and so familiarly use false speech, false deeds, false swearing , and play fast and loose at pleasure : 'Tis agreed , tis not agreed ; 'Tis not agreed , 'tis agreed ; And ^f think they may deceiue men with false oathes, as Children with Toyes : When they borrow they Covenant, plight their troth, make muuall promise of performance, doe it under their owne hand writing, have witnessses subseribed thereunto. But what of all this? They ^g (as *Eurates*) have a way and trick to frustrate all this ; they can ever finde a starting hole , a sleight to avoid all , and neglect all fidelity. First, Put them in minde of their promise , press them to fidelity. They stick not to say by their practise, if faithfull dealing ^h be to be violated, it is to be done (not as *Cesar* said for a Kingdome, but for a lesse matter) for money. In other occasions be pious. Yea they are like lustful lovers, who ⁱ feare not to sweare, to promise any thing ; but when their lust is satisfied, they neither feare , nor care what they said, or what they swore. Secondly , if their owne hand writing cannot hold them, no marueil that their words

words cannot. Their ^kowne subscripti-
on, their scale of a rich Pearle kept in an ^h Ivory box, cannot make them to pay the
moneys borrowed.

*Vana supervacua dicunt chirographa
chariae.*

The evidence produced is but a scrib-
led paper in their accompt ; they will
rather part with all shamefastnesse, than
a dram of silver, and therefore esteem ¹
witnesses a sport, and an oath as a jest.
Filthinesse added to deformity causeth
the greater loathing in the body : Now
how great is the corruption and filthi-
ness of a perjured and depraved soule ?
Whither ^m now is reason, which used to ^m As Enn. in
stand upright, unreasonably bowed and ^{Cic. offic.}
inclined ? Is there no punishment ⁿ in
store for perjured tongues and subtle ^{" Juvenal. sat.}
fraud ? Poore Soules ! Though ^o for a
time yee may escape: at length Revenge
cometh with still and slow, yet with
sure stepps ; yee cannot avoid it.

The third evill observable, in Banck-
rupts is breach of brotherly love and cha-
rity : For Banckrupts possessing and
wasting other mens goods, cannot chuse
but breake the bands of humane friend-
ship and charity, which forbids ^p to
wrong

Thirdly,
Banckrupts
break the
bands of bro-
therly love
and charity.
^a Cic. offic. 1.

Cic. offic. 3.

wrong any man, and injoynes us to respect the common good, and by mutual interchange of duties, and trusting forth and receiving againe wares, to confirme the bands of humane society.

ε In Trinum.

These bonds will not Banckrupts spare to breake; and therefore also undermine the very foundation of humane society, to inrich themselves and others with other mens money and estates. Lend any thing ^c (faith one in *Plautus*) thou loosest it: the borrower taketh it as his owne: aske it againe, for thy good will thou findest the borrower thine enemy: presse to restitution, and then, of two evils take thy choise, either to loose what was lent, or else thy friend. They will neglect the bond of friendship and not pay. *M. Crassus* was at once bereaved ^d both of money and friends: for when at the time appointed he craved to receive what he lent without use: that which was done by him *gratis* was more odious to them than had he lent it upon use; Thus made he of friends, enemies, and for his money possessed the wind. O wretched men! who once thrust out at dores fidelity and friendship, who are so averse from faire dealing, that they

carry

carry a violent hate and hostile rancor towards their Creditors, and opprobriously seek to disgrace them ! Give me leave to exclaim and powre out this just Complaint. *The good man e is perished from the earth, there is none righteous among men : They all lye in waite for blood, every one lyeth in waite for his brother with a net.* 'Tis safer trusting to fire and water than to fraudulent men : 'Tis safer f to doe a kindnesse to a serpent or savage beast by breeding them up, than to these men. What more harmfull, what more cruell to man, than the Dragon, Panther, Lyon ? yet did a Dragon preserve from theeves a Youth who had accustomed to feed him. The Panther, if a man free her young ones from the trap that hath caught them, fawneth on him and conducts him safe out of the desert. A Lyon i requited Androdus for pulling the stump of a tree out of his foot, and defended him in the den of wilde beasts, into which he was cast at Rome, and thus shewed a gratefull memery of the cure wrought on him. And shall men with evill requite a kindnesse done by lending them money ? Truly it is not safe to k bring up savage creatures, whose k Plutarch. mindes

e Mic. 7. 2.

f Crates in Lactant.

Elian. T. B. 13,

Joh. a S. Ge-
min. B. 5.

i Agell. 5. 14.

Cic. offic. 3.

Fourthly, the
theft of Banck-
rupts.

*a Advertis.
sur divers
crimes.*

b Agell. 7. 16.

mindes are soone alienated from their benefactors, and that to their great perill : because they harne their masters and requite with mischiefe the kindnes done to them. Much more is it not safe to credit them with money, who will make a prey of it, and from a kindness done them, raise extreme hostility and hatred, and in mens shapes expresse the savagenesse of beasts.

The Courses of Banckrupts in the fourth place draw them within compasse of theft. If *Cato* likened ^a a Usurer (one of those who in their times had no bounds set for their Consideration) to a close murtherer; surely a man may wel call a fraudulent Banckrupt a thiefe; for of a set purpose he possesfeth himselfe of a Creditors estate, carrieth it away, and cheates him of it by cunning and subtle deviles. This is thus proved: First, if he according to *Dracos* lawes ^b be liable to theft, who employeth a labouring beast otherwise than in that use for which he was let out to him: on the same ground are not Banckrupts, who use mens money to other uses than they were lont, well termed theives? Now they turne them to other uses than the lender

lender intended, 1. when they lavish the
out upon their pleasures. Secondly, when
they borrow them of one Creditor to
stop another Creditors mouth, that cla-
mours against them. Such ^c was the ^c Diodorus 16.
fault of the *Phocians*, who to pay the a-
ccordement to the *Amphicylions*, conspi-
red to rob the Delphick Temple. Third-
ly, when Banckrupts spend the borrow-
ed ^d money in cating their Sonnes or
making rich dowries for their Daugh-
ters, or any way convey and turne them
over to their heires or agents or friends
in trust: Thus some Banckrupt doth,
though it be a folly in him to provide
for others, and be in want himselfe, or
to make others unjustly to gape after
his death and wealth, who unjustly rob-
bed others of it: for oftentimes the
largenesse of the prey and intire enjoying
it, maketh them of friends turne ene-
mies to the Banckrupt.

Secondly, Banckrupts are proved ly-
able to theft thus; if by all stricts verdict
he be judged a thief, that having pawn-
ed, or lent on consideration any thing,
takes it closely into his possession before
the time; much more is he to be accused
of theft, who after the time of payment
is

^d Henry 4. K.
of France E-
dict. An. 1605.

^e Senec. Epist.

is expired, dcreineth in his hand another mans money against the owners minde, and will not restore it. The former is true; for by his own consent to lend it, he made the use of the thing another mans if therefore he take it away before the set time, he endammageth the borrower and committeth theft, as say the Lawyers. *L. Si quis cui. D. de furto L. in actione. qui rem ex L. si aves D. de furto,* therefore also the latter is true.

Thirdly, he is a thiose that concealeth another mans goods; But Banckrupts often conceale borrowed money, and will not let their Creditors know their estates; and running away with all or a good part thereof, say that they are insolvent, And surely in all passages, especially in concealing of goods got into their hands, so many and so covert are Banckrupts subtilties that they cannot be either unfolded or indeed imagined. In so much, that 'tis taken for granted among Lawyers, That Banckrupts and fugitive merchants or tradesmen may be wrack'd, that they may tell what is become of the money lent them for merchandize and trading, which now they deny themselves to have, and say, that

/ Nic. Boerius.

the

the Retayler hath got it, and by him it is lost: Therefore for concealment of other mens goods they may have thefēt layd to their charge.

Fourthly, and lastly, he ^g comittēt thefēt, who denyeth what he borrowed or had deposited in his hands: But banckrupts often deny with impudent faces that they received the money which was lent them; therefore they are liable to bee accused of thefēt. Now to deny the truth in this kinde is base and dishonest, and maketh a man uncapable of the benefit of avoiding prison and compounding with his Creditors.

Besides 'tis no ingenuous part, rather to bee found in the crime of thefēt, than to pay what a man oweþ: And if they be men of place, they should regard what becometh their persons; for it is more gross and base for men in dignity to circumvent by fraud, than to take goods from others by open force and violence.

Greater yet is the mischief arising from the dealing of Banckrupts: For fifthly, they are found also guilty of murther. For first, there is in them an intent and purpose to hurt and wrong others in the course of their lives. And as *St. Austin*

^g Danæus in
his Ethic
Lev. 19. 12.
Exod. 22. 17.

Minsing Inst.
b. 4.

Fifthly, Banck-
rupts guilty of
murther.

a August. in
Johan.

b Eccles. 34. 22.

c Tull. offic. 1.

sin faith, every unjust motion ^a of the
minde, by which men are incited to
to wrong their brother, is murther.
Thus are they murtherers not armed with
swords, but with fraud and craft for
their owne gaine to overthrow others.
Secondly, he that depriveth others of
the necessaries for their life, what doth
he else but deprive them of their lives?
He killeth ^b his neighbour, that taketh
his bread from him; he that unjustly
setteth upon another with craft to
wrong him, doth as it were lay violent
hands on him. If Bankrupts by their
Cunning shifts and tricks carry away
the money of honest Citizens, poore wi-
dowes, and Orphanes, which should
susteyne their liues, what doe they else
but as Vultures suck their blood and teare
in peeces, and devoure them who are
innocent, and know not how to help
themselves? ^c And this I say,

But the Bankrupts plead, doe we not
for their mony afford unto them the
yearly maintenance, upon which they
live? I answer, this small kindness is
soone turned into a great mitchie; Nor
indeed is it a kindness, to sedmerto doe
Creditors good for a while; and then
wholly

wholly to rob them. So then thirdly, under a shew of being helpfull to Creditors lives, the Banckrupts in the end goe away with the principall, and dig the deeper pit for their Creditors overthrow. This kindness of Banckrupts is like the flinging of the Aspe, with whole venome if a man be infected, he falleth in a pleasing sleep, so that the venome disperseth it selfe through all the veines, and the party dieth sweetly sleeping: So the Banckrupt for a while lullcth with kinde supply his Creditor asleep, that he may disperse his poysone more securely, and carry away the principall, and by spoylng ^e him of his livelyhood doth prejudice to his life; so that Banckrupts may be justly called a viperous brood, who eat out the very bowells and the stales of their Creditors, that themselves may subsist in the world. What difference ^f then is there betweene a Banckrupts kindnesse and an enemies wish? an enemie wisheth thy overthrow, and a Banckrupt by pretending to supply thy life with maintenance, in the end worketh thy ruine.

^d Chrysost.
hom.

^e Ambros.

^f Senec. B. of
Benef.

Sixtly, Banck-
rupts hypocri-
sie.

Furthermore the courses of Banck-
rupts are in the sixt place full of craft and

D. cannot

c Plaut. in
Pseud.

b Basil. Hom.
7 on Ex.

c Accurs. in
Benevent.

d Benevent in
Tract. de Ad-
jecto.

f Senec. of
Ben. B. 4.

cannot want hypocrisy: Doe ^a but heare their humble words & view their smooth faces, no man can think them bad men, *et opera fallunt*, you shall find them false in their deeds, like ^b the fish called *Poly-
pus*, which by taking the Colour of the rock by which it lieth, deuouts fishes approaching for shelter. So Bankrupts by taking and counterfeiting the colour of kinde and good men, make such as come neare them their prey.

First then before they break they ^c get store of money into their hands, that they may seeme rich and able easily to satisfie their Creditors, so that no man needeth to preesse them: And for this end, they will discharge other mens engagements, that they may seeme some body, and good pay-masters.

Secondly, at their very breaking they play the hypocrites, and perfidiously blame the perfidiousnesse of fortune, and faine Casualties, that they may compound with their Creditors to their losse; yea they will pretehd poverty and damages, when they swim ^f in plenty and have money coming in very flush; and to bring their Creditors to pity them, they can command some feined teares to distill.

Thirdly

Thirdly , after their breaking they
conceive ^g that all their vices are hid , if they but shew their faces in open mar-
ker : and because they beare wittingly ^h
with their owne vices , whose sweetnes
much pleasest them , will not endure to
have them named , but ⁱ make shew of ; ^j Salvian.
religiousnes and assume the title of san-
ctity , that they may colour their disho-
nest gaines and base shuffling dealings .
Though their dealing be naught , yet they
desire to seeme of honest and faire carri-
age ; So deceitfull is mans life , so carni-
ceth be his minde in Covert , and setteth
a faire face on a false heart ; and thinks
not , that ^k there is no sinne more capi-
tall and mischievous for men , when they
most notoriously beguile , even then to
make the greatest shew of honesty . And
surely herein is an hy poorete most dange-
rous , because hee ^l catcheth and in trap-
peth men , before they perceiue any thing
or can be aware . And therein ^m appear-
eth the extremity of their injustice , that
they would seeme just and honest , when
they are not so ; Secondly , their arrant
naughtiness , that they counterfeit plaine
dealing and goodnesse , when they are
most crafty and injurious . These courses

^g Cic. orat. af-
ter his ret.
^h Lactan.

^j Cic. offic. i.

^l Cic.

^m Plutarch of
Herodot. Mal.

¶ Lucil.

¶ Chrysost.
hom. 45.Seyenthly,
Banckrupts
Injustice.

¶ Curt. B. 4.

¶ Ovid 2.
Pont.¶ Senec. of
Tranq. c. 2.

too frequent & palpable, may be discerned, when we finde most of the Banckrupts using ^a all study and art warily to place their words, and cunningly to demeane themselves, to cologue, and to counterfeit honest dealing. Thus ^b are they whited sepulchers, outwardly beauteous, but inwardly full of rottennesse. So that whilst their fligths are undiscerned by a faining duty and obseruance, they seeme honest men: but when the visard is taken off, they appeare themselves, such indeed as cannot chuse but bee held to be odious and detestable by all good men.

The seventh fault of Banckrupts is injustice: How can he choose but be unjust, that wasteth his estate and taketh Banckrupts courses? For his chiefe desire ^c and aime is to deceive, so that his heart must needs be far from all just dealing. His minde is pitched upon his own gaine, so that ^d the venerable name of Justice sits but like an harlot in the Porch, to call in Customers for his profit. Some ulcers ^e there be, that are never better than when the hand doth chafe and rub them; such an ulcer is injustice, which though it hurt a man, yet

yet desirereth to be in action, and to have objects still to worke on it. Let but ^a Plaut. hope of gaine shew it selfe, the unjust man *rem divinam deferet* will omit his duty to God, rather than to his Mammon; for he that ^b maketh haste to bee rich, and plungeth himselfe into the world, bids vertue adieu, sleights ^c the ^d Plutarch repute of Justice, shameth at nothing, *dum ob rem*, will doe any thing, so it stand with his profit. For what will not mens hearts attempt, when an extreme thriftinesse possessesthem? But they shall finde it better by much to leave this course of fraudulent dealing, in which death and destruction with baits tempting to injustice closely concealeth herselfe, than to have continued therein to their future misery.

The eighth evill incident to Banckrupts is covetousnes ^e. The dealings of Banckrupts shew them to be covetous and ravenous after other mens money, and to be like them, ^b who count nothing sacred, but gaine, to whom, as to their God, they consecrate themselves. By this they weigh out their godlinesse, friendship, honesty, fame, all things divine, and humane, and count all things else

*Virgil. Auri
sacra fames quid
non cogit?*

Eightly,
Banckrupts
Cove-
tousnesse.

*a Avarus eris
avid alien.*

Agell. 10. 5.

*b Erasm. in
Adag.*

c Juvenal. sat.
9.

d Basil. homil.
7. against the
Covetous.

e Lamprid. in
Coniod.

f Plutarch. in
Agesil.

else but trifles ; Their chiefe & prayers
tend to this, that their wealth and state
may be advanced; this maketh abstinence
from other mens goods a stranger to
them; this maketh them ready to catch,
rake, and snatch what ever they can; yea
how ever they be moderate in the be-
ginnig, yet the further they proceed,
the more potent they are, by the ruine of
some caught in their snares, to catch and
devoure others. Not unlike a River,
which being small and weake in the
head, in the progresse receiveth such in-
crease, that with a violent flame it
carrieth all along with it : Banckrupts I
say, if once through the impetuousnes of
a Covetous minde, they esteem gaine
more than goodness, wrong than equi-
ty, falsehood than truth, & every boord
shall be conveyed into their bosome. Of
this temper were of old the *Lacedemo-
nians*, who made the chiefe point of ho-
nor and vertue to consist in doing *Sparta*
good; other justice they neither learned,
nor knew; So being wholly possessed
with this perswasion, they cared not
whom they injured: Not unlike them
are our Banckrupts, who to adorne their
Sparta, perswade themselves of singular
perfor-

performance, if hiding their subtleties and perfidiousness, they can supplant others, and rob them to enrich themselves. Now if a man conclude with himself that each man desirereth to be rather good with himself than with others, and proceed to an immense and unsatisfied desire of having, and bound not his thirst of getting within compass of reason, at length all respect and observance of Justice will be extinct; so that he will not onely lay in his owne heart, but by his deeds proclaim to the world,

Unde h^{ab}et habet nemo, sed operari h^{ab}ere. Juvenal.

Inquire not whence a man hath his wealth, have it he must.

O damnable speech! befitting a Savage! such a Covetous heart straying beyond the bounds of moderation and reason, declareth openly the Speaker to be a Worldling and Mammonist, and not a Christian; to be a statue and Image having no more of the man in him than barely the name of a man.

The ninth fault of Banckrupts is lying: So that we reallume to Banckrupts the

Ninthly,
Banckrupts
lying.

D 4 speech

a 2 Pet. 2. 3.

b Cicer. Agric.

c Book. 4.

d Euripid. in
Andro.

e Rudent.

f Sophoc. in
Athenzus.

g Jer. 9. 8.

h Juvenal. sat.
7.

speech which the Apostle borrowed : In Covetous ^a wise with fained words they play the Merchants. For surely they that stick not to lay covetous clutches upon other mens estates , they will not blush to cover truth over with the ashes of lyes. The studie ^b of gaine soone calleth to the study of fraud and lying; And if, as *Salvian* saith , ^c the life of greedy and deceitfull tradesmen be nothing els, but the hammering of deceit and forging out of lyes; Banckrupts may well be held to be the Chiefe; ^d and Malter-workmen of lying : for they use (those called by *Plautus*) ^e magnificent lyes, and count lucie ^f sweet , though got by lying. This appeareth : First , because in their buying and selling they speak ^g peaceably to their neighbours with their mouths , but in their hearts lay wait for them : So that there^h is no good agreement betweene their tongues and their hearts ; I wish and pray God that they doe not in hypocrisie speak lyes, having their consciences seared with an hot iron as they ⁱ Tim. 4. Then secondly , when the time of paying the principall cometh ; these *Dosors* great boasters of their faire dealing , set the great ^h bellowes on worke

work to forge hugo lyes. *Strigellius* hits them right, saying, that they who willingly run in debt, unwillingly pay; and they that unwillingly pay, willingly tell lyes: So that the first step is being in debt, the second is coyning of lyes; Thus lying and evill speaking now a-dayes aboundeth. Whence just ground have wee to say with the Prophet, let every man take heed of his friend, and let him not put confidence in a brother. For every brother will supplant, and every friend will deale deceitfully; every one will deceive his friend, and will not speake the truth; they have taught their tongues to speake lyes and take great paines to doe wickedly.

Ethick. B. 2.

Jer. 9. 4.

Furthermore, Banckrupts are tenthly very injurious to their children and posterity, and by their fraudulent dealing lay an aspersion and disgrace on them, and brand them with Infamy; for when ^b a foundation of a good name is not layed by the Parents, the staine thereof falleth also on the Progenie.

Tenthly,
Banckrupts.
blemish the
credit of their
children and
posterity.
a Cie. orat. for
Sylla.
Plutarch.

So that First, the Children and Nephewes be pointed at in publicke. Secondly, when they would speake in the assembly, some one boldly interruptes them

Laert. 2. 1.

them and enjoyneth them silencē; for the vertuous and commendable life of the Parents is a Treasure of freedome in speech; lot to the Posterity. Thirdly, when their children come into the market place and Exchange, where Merchants shew themselves, presently some will step in, and with open mouths and bold faces give items to others to have no dealing with them, or not to trust them. Fourthly, if occasion of marriage bee offered them with some honest Citizens daughter, presently some unlucky bird will sing; take heed and be well advised; know you not that his parents do *animam debere* owd more than they can pay? And thus this brute breaketh off the mariage. Thus Bankrupte parents are many wayes injurious to their Children and posterity.

Terent. in
Heaut.

And here give mee leave to lay an accusation against these unjust Parents: I know well that Children ought not only to keep in silencē injuries done them by their Parents, but also to take them patiently, and therefore quietly will I beare those things which are to be borne, and in silencē conceal them which are to be concealed. But this branding with Infamy

Cic. orat.
for Cluent.

Infamy and blasting the credit of the Children, which proceedeth wholly from the Parents, who can keepe silent, who can be so patient as to bury it in oblivion? Is this fit? The old men ^{comis} Aug. Medic-
mited the faults, the young Sons are put to the wrack; the Fathers swelled with pride, the Sons be brought low for it. They did devoure the sweet gaine, these eat the bitter gall of disgrace. The unjust offendeth, the just is punished; the guilty goeth away with the fault, the innocent smarteth for it; The good man suf-
fers, what the bad man deserves; the Sonne-in-Law beareth the blame which the Father-in-Lawes ^{sum}merited: what can be thought more grievous? Every ⁵ g Cicer.
ingenuous man hath a desire to partake and have a share in true glory, which is the honourable fruit of true vertue; and further, there is no ingenuous and good nature but would willingly have a good name and fame derived upon him from his Parents and family: Why then doe you Banckrupts deprive your children and posterity thereof? 'Tis too grievous
b That Parents sins should lye thus hea- ^b Cic. Brut.
vic on their children. By the bowels of tender compassion I intreat you, to be-
think

44. . . . The second part, of

thinke your selves, what you would answer, if your children should thus speake to you? Fathers, you begot us; next after God, you are Authors of our lives; you have given us education; but our alas, why are yee so bewitched with the love of gaine, that yee will be the ruine of our good names? Did your Parents* deliver ouer an unblemished and unstained fame to you, that you should overthrow by your wickednes what they got by their vertue? that you should be blemishes to the honor of your posterity, that you should commit these things so bad, and so unbeseeching your house and kindred?

/ Cicer. orat.
to the Nobil.

III Cicer. orat.
for Sylla.

Eccles. 41. 10.

Think with your selves can any thing be more neare and deere unto you than your owne children. Now how little doe you regard them, when by your ill courses you brand them with infamy, and extinguish all the glory and orna-
ment of your stock, name and honor by your miscarriage? May not your posteri-
tie complaine of you, because by you they are made heires of such a calamitic, and for your sakes are despited? Shall not your children grieve at you their wicked fathers, because by you they are exposed

¶ Cicer. in
Catil.

¶ Plaut. in
Trim.

exposed to disgrace and shame? will not God be offended with you and lay just judgement upon you? for he ^o that hath not a care of his children & houshold, is worse than an Infidell. Consider, consider these things, I say, all yee, which blush not to please and solace your selues in the evill courses of your most dishonest and unjust playing the Banckrupts.

^o 1 Tim. 5.8.

Amongst the former evills, the courses of Banckrupts in the eleventh place draw them often into the losse of their owne Salvation. For, how can it otherwise be? when by hooke and crooke they unjustly inrich themselves with other mens wealth, and rob others of their lively-hood, and so indanger the robbing of their owne souls of happines; *Woe be to him, saith the Prophet; ^a which coveteth ^a Habac 2. 10. an evill covetousnesse to his owne house, and sinnereth against his own soule.* Wonder not at this; for behold the ^b divell sets before thine eyes, thy neighbours goods ^b Ang. on the Psa. to intice thee to evill; these goods thou canst not get without fraudulent dealing; They are the bait, fraud is the snare. O wretched man, why dost thou so eye the bait, that thou seest not the snare? there is no way to get the goods, but by fraud and

and subtilty, and if thou makest use of deceit and wiles, needs must thou bee taken, and if thou beest taken, what canst thou expect but losse of thy soule?

Hence it is that many catching at gold, captivate their soules, and for fruition of money adventure upon perdition of their owne salvation. O folly of men! who to advance their gaine run heedlesse on their bane. What a madnes is it to get gold and lose heaven? What profits a chest full of Gold, if the Soule be empty of hope of Salvation? Wilt thou have good, and wilt not thou thy selfe bee good? blush, blush at the sight of thy goods: sith an house replenished with goods calleth thee her Godlesse master; what & will it profit a man to gaine the whole world and lose his owne Soule? or what can a man give in recompence for his soule? what can that which a rich man hath doe him good, if he have not God, who hath all things at command?

These things shoulde be your dayly and serious meditation; but oh your disturbed and perverted reason! oh your untridled desires! oh your dissolute counsells! How long will this your fury

*c Aug. Serm.
on Christ's W.*

d Mat. 16. 26.

thy delude you? whether will this your undaunted licentiousnes carry you? Are your minds so infamed with folly, your desires so infatuated with the love of money, that the feare of God and care of your Soules cannot make you more considerate, and with-draw you from your thirsting after Gold? Let the salvation of your soules move you, let it I say move you to consider better of your courses, for if the Soule be once lost, you shall be for ever after most miserable.

Thus far have we treated of the severall kindes of sins (the mischievous joyes of perverted soules) which doe proceed from the fraudulent dealings of Banckrupts; we have painted out their folly in its due colours, but not so fully, as wee might have drawne it to the life: for there can be no such depth of invention, no such Copie of Elocution, no such divine and incredible fluence of speech, which can, I will not say fully expresse, but so much as number up the mischiefs arising from the courses of Banckrupts. Surely as Covetousnesse in the Antients esteeme, comprehended in it all vices in a lump: So wee may judge, that the fraudulent courses of Banckrupts have

a Confluence in them of all evill : which any man will easily grant , if hee well and seriously weigh all their actions. As for us, wee contented our selues in few words to lay open few of their evills in this briefe discourse.



THE



49

THE PRACTISE
OF THE
BANCKRVENTS
OF OUR TIMES.

The third Part,

*Which declareth the punishments
decreed to be inflicted
upon them.*

*Great punishments have been decreed
for Banckrupts.*

What then shall Banckrupts run on
in their sins unpunished? God for-
bid: shall *bonorum extortor*^a, *legum con-
tortor*, a cheater of men, a wretcher of
lawes escape? Can courses so hatefull
pass unpunished? The Heathen Oracle
said.

E

a Terent.

Senec. 3. of
Benefi.

c Herodot.

d Menand.

e Salust.

f Tacitus Ann.

Benven.

said; Never did any ^c man guilty of unjust dealing escape the whip of revenge. Tis ^d as it were fatall and unavoidable, that the unjust and injurious designes of evill men should be requited with their deserved doome. Even the wiest sort of Heathens held ^e it for a truth that neither the good nor the evill deeds of men should passe unregarded: but that a different requitall should attend both good and bad, according to the nature of their deeds. And herein rightly have humane lawes imitated the true patterne of Gods Justice: for our Ancestors ^f have ordained that where Crimes went before, due punishment should follow after. Let us then briefly collect the severall lawes of our forefathers enacted against Banckrupts, and in order set downe what hath been decreed. First, by the lawes of Nations. Secondly, by the Cesarean lawes. Thirdly, by severall Kings lawes. Fourthly, by the Common law. Fifthly, by Gods Law. So shall we meet with those fraudulent persons in many of their evill and enormous dealings. And surely needs must these Banckrupts be a most wicked and bad kinde of men, had wee no other Argument to prove it, than so many statutes

tates and lawes in severall parts of the world which have been ordain'd to repress & reforme their naughtines. Let vs now in particular set downe the lawes and ordinances of the Antients, in their own words and tenor.

The Lawes of Nations, by which in severall Commonwealths the states there-of are upheld, have an aime and respect to this ; That humane societie and conjunction may be kept in safetie : and therfore if any man trespass against this, they inflict on him death, or banishment, or imprisoning, or amercement. Now heare their different lawes against banckrupts.

The Romans decreed that the debtor owing very much to his creditors, should satisfie his debts by deviding his substance amongst them ; and being deprived of all his goods, should be put into prison and Chaines, and afterwards that his joynts should be devided, at the pleasure of the Creditors amongst them.

The Egyptians ordained that satisfaction should bee made by the debtors goods and estate, but no punishment to to be inflicted on the body ; for they held mens goods lyable to satisfie for debts of ibidem.

1. The lawes
of Nations a-
gainst Banck-
rupts.

money, and not their bodies; yet they used to pawne the embalmed bodies of the dead for money, and held it for an extreme disgrace, if the debtors redeemed them not at the time appointed.

Sroheus Serm.

42.

Among the *Boetians* he that could not pay his debts, was thus disgraced by the basket. He was to be brought and set in the open market with a basket on his head. He that had thus sat, was ever after held infamous. This punishment *Mnesarchas* the father of *Euripides the Tragedian* suffered.

Alex. of Alex.

ibidem.

Among the Indians, hee that paid not his debts, if hee was called in question and sued by his Creditors, a day was appointed them, and then if he satisfied not, first his hand was cut off, and his eye put out, and then he was executed.

Sroheus Serm.

42.

Among the *Pisidians*, any one defrauding Creditors of what was committed to any man in trust, was very severely punished, for he that defrauded, was put to a most crueli death.

Heraclid. in
polit.

Amongst the *Tyrrhenians*, if any man paid not the money which he borrowed, by publike appointment Boyes followed him

him with an emptie purse for his utter disgrace.

The Judgement upon Banckrupts among the *Smyrneans* and *Atbenians*, was, that they which according to Covenant did not give due content to their Creditors, were for ever excluded, and forbid to come into the market.

Among the *Moscovits*, debtors that have not wherewithall to satisfy their Creditors, are according to their lawes brought into a publick placeordeined for that end, and there grievously without any mercy beaten with whips and wands on the leggs and feet, till they make full payment to their Creditors, whencesoever they can get it: if they cannot get wherewithall to satisfy, then being often whipt, they are compelled to become servants to the Creditors, thereby to satisfie them according to the valew of the debt.

Among the Turkes when any ones *Ærod.* B. I. fraudulent dealing is detected, the Governor adjudges him to death.

Among the Florentines if any bee Banckrupt, and be convicted so to be, there is appointed him a certaine day of *Brut.* B. I. hist. payment, as seemes fit in the Magistrates *Florent.*

Guagin. de-
script. Muscov.
c. 4.

discretion, at which day if the debtor pay not, his name is registred among the fraudulent Banckrupts, and he is deprived of his freedome and disabled to give his voyce as a Citizen: He on whom this punishment is inflicted, is said to bee brought to the looking glasse, because in that Catalogue as in a glasse, you may see the worth and estate of such men.

At Roan the Banckrupts and men insolvent, are made to weare a greene hat, that by this badge they may be knowne from all other men, and that no man unawares may enter into Covenant and bargaine with them which used to fail and be insolvent.

Hence it appeareth how contemp-
tibly divers Nations and people have
thought of debtors branded with igno-
miny of false dealing or notorius Banck-
rupts courses.

³ In the second place the *Cæsarean* lawes
against Banckrupts have been many.
The *Cæsarean* lawes against
Banckrupts. In the dayes of *Charles* the fifth were
made many constitutions and many e-
dicts promulgated, by which it was
thought good to prevent divers frauds
practised in buying and selling and in
subtle supplanting men of their estates,
as

as also grievous and dire punishments as-
signed to Banckrupts, according to their
demerits. This well beſeemed the Ca-
ſarean Authority; for he knoweth how
to rule well, who hath a ſpeciall regard
that a Corporation be not infected with
evill men, and that Merchants & Tradeſ-
men be free from perfidious and falie
dealing. For a Cities ſafegard depen- ^{a Epictet.}
deth not upon the ſtrength of the walls,
but the vertue and just dealing of the Ci-
tizens; Nor is ^b there any ſurer bul- ^{b As ſaid An-}
warke to defend a kingdome, than the ^c tigonus.
mutuall love and faire dealing and ho-
nest demeanor of the ſubjects. The Poet
ſaid well, that a Citie is ſtrongly ^c wal- ^{c Plaut. in}
led, if the Citizens be vertuous. And ^a Persa.
gaine, if, First, falſe dealing. Secondly, a-
lienating the common treasure. Thirdly,
Covetouſneſſe. Fourthly, Envie. Fifthly,
Ambition. Sixthly, Calumniation. Se-
venthly, Perjury. Eigthly, Slothfulnes
in mens vocations. Ninthly, Oppreſſion.
Tenthly, Murther (which falleth heaſie
upon the committer) if I ſay theſe vices
be not banished the Citie, an hundred-
fold wall is too little to defend it. Now
ſuppoſe the ſtate of a Kingdome be ſuch,
that ſome of theſe vices, at leaſt one of

them, namely fraudulent dealing abundantly raigne in peoples mindes : The question is what shall the chiefc Magistrate doe ? Shall he wink at it, or inflict severe punishment thereon ? Too much mildnesse and too much severitie are both culpable. the one lets the reines of government hang too loose , th'other holds them in too streight ; reason and moderation is so to be used in punishing, that a Magistrate observe a due temper of Justice, and justly punish unjust defrauders of other men : for if a Judge punish an offence , as he is Gods Magistrate , it is not cruelty , but pietie , and *Blessed is hee who doth justice at all times.* Let no man then wonder at the Emperor *Charles the Fifths* Constitution against Banckrupts , promulgated after this manner.

This Constitution of *Charles the Fifth* against Banckrupts, was enacted and published, *Octob. 7. Anno Dom. 1531.*

Charles by the Grace of God, Roman Emperor, &c. Against insolvent and fugitive persons or Banckrupts. We formerly ordaine, and further ordaine, That all Merchants and Chapman or women or others that deale in buying and selling

Hieronym.
to Riparius.

Psalm. 106. 3.

seling, who doe fraudulently and de-
ceitfully beguile other Merchants or
persons whatsoever of their moneyes,
wares, or debts, shall be counted and re-
puted in the same ranck and condition
with arrant theeves. And by this statute
wee have and doe declare them so to
bee.

In like manner we declare our said
minde to bee concerning all such as tole-
rate, enterteine, or by silence countenance
them, as also all them that are privie to
the said Banckrupts frauds, and imbezel-
ling of other mens goods, and know
whither they bee fled, and where they
hide themselves; unlesse they manifest
these things unto the Judge or chiefe
Magistrate of the place. Furthermore we
count them in the same rank with theeves,
who craftily agitate the busines of banck-
rupts, who be the Receivers or Retaylers
of their wares, whether under the pre-
tence and name of partners or other-
wise, as also all them that pretend and
faine themselves to be creditors of banck-
rupts, by whose meanes the fraud and
perfidiousnesse of the Banckrupts may
be concealed or boulterd out.

All the aforesaid we have and doe de-
 prive

privie of all the immunitiess, libertiess, and
priviledges of all Cities, and Corporati-
ons, and Townes, and places to whom
freedome in any kinde hath been in any
manner granted.

And we bid and command that Banck-
rupts and their Partners, Helpers and Af-
filiants, and all above named, found and
adjudged to be so, as also all persons that
fly for debt into any Citie, Towne, Bo-
rough, or any priviledged place, whatso-
ever, none excepted, be fetched and taken
thence, and that their goods and estates,
if they brought any thither, bee taken
thence: Notwithstanding we will that
the priviledges and libertiess of the said
Cities, Townes, and places whatsoever,
enjoying any freedome, abide and conti-
nue unto them, in all other causes and oc-
casions. And also, We ordene, that the
Banckrupts and their Assistants before
specified, being proved and adjudged so
to be, shall be punished as Thieves and
violaters of the publick good, and that
without Connivence or delay, for an ex-
ample to all others.

And further that the goods and estate
of the said Banckrupts and their Agents
and helpers be taken from them, and be
deposited

deposited and kept in some place convenient, for the benefit and righte of the Creditors, as shall in Justice be thought meet.

Further, that the Wives of the Merchants or Traders, who prove insolvent, and the goods in which their Wives, either in their Husbands presence or absence, have dealt by buying or selling in open Market, be lyable to answer for, and satisfie the Husbands debts, in which he ingaged himselfe during the time of their marriage.

Wee will also and Command that all Merchants and Chap-men or women, who fraudulently to deceive their Creditors, flye out of our dominions, and abide elsewhere, within forty dayes after the publication of this edict, doe returne into the place of their usuall dwelling in our Territories, and that within forty dayes more they make satisfaction to their Creditors, which thing unlesse they doe within the forty latter dayes prescribed: We ordene that the Banckrupts themselves, as also all their assistants aforesaid, be for ever banished out of our Territories and dominions, never to returne into them againe.

Further-

Furthermore, wee Command that all Contracts fainedly, fallaciously, and fraudulently made, be frustrate and of no force and validity. And that all the Creditors of Banckrupts, and their Partners, and of other fugitives for debt, joyne together in the selling of the Banckrupts goods, and whatsoever can be found, for the discharge of the Banckrupts debts, and that a regard be had to the proportion and valew of each Creditors debt without any partiality to satisfie any particular man.

Neither shall any Creditor benefit himselfe by preventing others in arresting the goods of any decayed person, though it be done in any privileged place whatsoever: Nor shall the Customes, rights, or lawes of any place whatsoever, made to the contrary, hinder what herein we Command: for our pleasure is, That in the foresaid cases they be of no force, and that if the cauile so require, by this our constitution they be of no validity.

3. Kings lawes
against Banck-
rupts.

^a Plat. in Al-
cib.

3. Divers worthy provident and potent Kings have enacted strict lawes against Banckrupts. *Plato* ^a said well, that the Providence of a Governor consisteth in consulting well for his owne and his peoples welfare.

This

This thing the French Kings, truly
carefull of their peoples good, duely
weighing, most providently enacted
good lawes for the due punishing of
Banckrupts; for being informed that this
crime grew too too common by its im-
punity (which is ^b a great bait to draw
on offences) and that trading and Com-
merce was quite taken away by the
breach of Compacts and fidelity; which
false dealing would prove the weakning
of Kingly State, they therefore made
speciall use of their princely power in
purgging out all great enormities of
Banckrupts: This may appeare in their
severall decrees against them.

1. *Francis* the first of that name King
of France decreed *Anno 1536*. That
Banckrupts, and their partners, and ad-
juditors should be severely dealt with, and
diligent inquirie made, witnesses and o-
ther extraordinary remedies used, and
the fault apparantly found, the persons
guilty should have some corporall pu-
nishment inflicted on them, according
to their desert, either by putting them
into the pillorie, or some other way, as
should seeme good to the Judge. In
which decree what may seeme severe?
seeing

^b Cicer. Orat.

c Cic. Offic. 2. seeing ^c that for the good of the Commonwealth severitie is to be used, without which no state can bee well ordered. Better is it by ^{*} severity to expresse love to the Commonwealth, than by lenity to ruinate it. Wee cut off a finger, that the gangrene may not proceed to the Arme: So offendors are justly punished, that their sin proceed not further to the detriment of the whole bodie politike.

d Plut.

e Hieronym.
on Jerem.

f Arist. polit.

2 Charles the ninth King of France in an assembly of the Peeres and States, at Orleance, did constitute that fraudulent Banckrupts shoulde be extraordinarily punished, and afterward put to death. Who can finde fault with this? The publicke good so required; for hee ^d wrongeth good men, who connive at the bad: And the place of a King and his office is to punish offendors ^e and relieve the innocent: Hee is the dispencee ^f of Justice, and will not suffer the rich to be invaded by the poore, nor the poore contumeliously used by the wealthy.

3 Henry the third renewed and confirmed this edict against Banckrupts at Bloys, *Anno 1579*. And let not any man hence tax him of severity: for hee that sits at the sterne in the tempestu-

ous

Cic. Offic. 1.

ans sea of Civill affaires, ought ever to have his eyes bent and intent to advance the Common good of all; And men in authoritic are to provide for, as the safety, so the benefit of the people who called them to their place, and not to minde onely their owne profit and safety who are called thereunto: And hercyn especially differeth, saith Aristotle, a King from a Tyrant, the one studieth and procureth his owne benefit, the other the Subjects welfare.

4. Henry the Fourth Successor to the former, as in Kingly authority, to in prudent administration of Justice, did by his Royall edict severly meet with the Crafty arts, & audacious tricks in Banckrupts courses. Read his constitution against Banckrupts and failing tradesmen enacted in the supreme Court, June 4. Anno Domini 1609. Thus far of the French Kings edicts against Banck-
rupts.

Nor have the Princes of England been backward in this kind, but have seriously considered the mitchiefs which were incident to Commerce and humane societies and to the well ordering of the Commonwealth, and which have been pulled

Lawes in Eng-
land made
concerning
Banckrupts.

pulled upon us by the subtle and unconscionable & ungodly dealings of Banckrupts , and thereupon our said Kings have with great care and circumspection provided good and wholome lawes to prevent or punish Banckrupts courses. *Anno 34. Hen. 8.* A statute was enacted for remedying the harmes and evils befalling this land by Banckrupts.

Also *Anno 13. of Eliz. cap. 7.* more fully was declared what Merchants or Tradesmen , &c. departing this Realme, or keeping their houses, or willingly being arrested , &c. to defraud their Creditors, &c. shall be counted Banckrupts. And further is enacted, how Commission shall be granted, by which the body and goods whatsoever of the said Banckrupts may be seized upon , and how by the Commissioners a course shall be taken for satisfying of the Banckrupts debts : As also how the Commissioners shall have authority to finde out and dispose of the Banckrupts goods , lands, &c. in the hands of any other person whatsoever , and how they shall by oath of any person suspected to have the goods of the Banckrupts, endeavour to finde out the

the truth. Besides in this Statute penalties are imposed on the Banckrupts who hide or convey themselves from their usual places of aboad, and on such as willingly and willingly help to hide or convey any person proclaymed Banckrupt and going about to conceale himselfe. See more in the said Act.

Also anno 1. Iacobi c. 15. Because banckrupts, fraud and deceit increased, (as it is there said) to the hindrance of traffick & to the generall hurt of the Realme, it is further explained, who are to be reputed Banckrupts, and how the power of the Commissioners should be further enlarged. Also it is enacted, That if Banckrupts by conveying their lands, tennements, tenures, goods, Chartells, &c. to their Children, or any other person, or persons, seeke and endeavour to defraud their Creditors: That then the said Commissioners shall have power to bargeain, sell, grant, demise, convey, and dispose of the same, as if the Banckrupts had been actually possessed thereof, or as if the debts were in his owne name. And that the acts of the Commissioners in this kinde shall be good in law against any man, who shall question the same.

See these things in that act more largely set downe.

It is there also further enacted that because the practises of Banckrupts were become secret, subtil, and hardly to be found out, in what cases any one withdrawing him or herself from their usuall aboad, shall be proclaymed Banckrupt, and how the said Banckrupt not appearing before the said Commissioners, is to be apprechended, whereever hee or shee may be found, in places priviledged or not, and are to be examined by the Commissioners about their own lands, goods, debts, books of accounts, &c.

It is also enacted that if the offendour refuse to answer to the Interrogatories propounded, that then the Commissioners shall have power to commit him or her to close prison, till they conforme themselves. &c.

'Tis also enacted, that if the partie examined commit wilfull or corrupt perjury to the endarmagement of the Creditors, ten pounds or more, hee or shee shall bee indicted, &c. And being convicted shall bee set on the pillory, and have one eare nayled thereto and cut off. As also such as have

have Banckrupts goods or bee indebted to them, shall bee examined by the Commissioners, and how if in case they refuse to appear, or if they appear and refuse to answer to interrogatories, the Commissioners shall have power to cause them to bee arrested and made to appear, and afterward may imprison them till they submit themselves to the said Commissioners, and answer to the said Interrogatories: And if any of the said parties shall wilfully and corruptly commit any manner of wilfull perjurie by his deposition before the Commissioners, that then it shall be lawfull to indict the said persons, and upon their conviction imjoyne them such forfeiture, and lay upon them such paines and punishments, as was limited *Ante quinto Etz.* by the Statute of perjurie. Further also it is provided concerning the Commissioners, how they shall proceed and maintain their proceedings for the good of the Creditors, and the Banckrupt, and for their owne discharge of the trust committed to them: And how they shall proceed to execution of their Commission, though the Banckrupt die. See

these things more fully declared in the Statute.

Also *Anno 21. Iac.* In regard that Banckrupts much increased in number, and their fraudes were many in deluding the former statutes, to the hinderance of traffick and Commerce, and the great decay and overthrow and undoing of Clothiers, &c. So that the Banckrupts civill-dealings tended (as justly there is affirmed) to the generall hurt of this Realme: It is there enacted that all lawes made against Banckrupts, shall bee beneficially construed for the good of the Creditors. There also is more expressly shewed who are to be accompted banckrupts, what the authority of the Commissioners is, what shall be the prosecution of the lawes in force against Banckrupts. Tis further enacted that the wives of Banckrupts shall be examined in the same manner, as was before spoken concerning the husbands. As also in what case the Banckrupt and his wife shall be set on the pillory, &c. Also it is there provided how the Banckrupts goods & estate shall be devided to the Creditors. Also how Banckrupts making themselves accomptants to the Kings Majestie

tic, shall not hinder the proceedings of the Commissioners to right the Creditors. These things and many more are contained and more fully and largely set down in the foresaid Statutes concerning Banckrupts, for the utter rooting out of all Banckrupts courses, and the bridling and reforming of so great a mischiefe to the Common good. Leaving therefore these things to the Readers perusal in the book of the Statutes at large, we forbear to cite any more out of them : And having here inserted what wee thought most expedient for our owne Nation to take notice of ; Let us proceed.

Fourthly, nor have the Common laws passed over the perfidious courses of Banckrupts and Covenant-breakers, but punished them by degrees according to their deserts.

4. The Canon Laws against Banckrupts.

1. They lay a blemish and staine upon their credit and reputation, who faithfully pay not their debts : for in the constitutions of *Boniface* the eighth, it is said, he ^a that is once a false dealer, is ever presumed so to be. Thus the honour & name of a good man is taken from a Banckrupt : who sheweth himselfe by his fraudulent course and dealing, and by palliat

a 8. Rule of the Canon Law.

Book 5. Rul.
75. of the Can.
Law.

f Canon 12.

and pretended honesty, to be a knave, and utterly unworthy to be trusted, or to have Covenant kept with him. For unjustly doth he require others to obserue fidelity towards him, who breaks it at pleasure towards them; Besides in the ancient statutes of the Church, it was ordeyned, that he which invadeth another mans goods, should not escape unpunished, but should make restitution of all with advantage.

The second decree of punishment was confirmed by a Statute of *John the Fourth* Pope of that name; He that invadeth other mens goods let him restore them four-fold. Yea, *Ensebius* the Pope constituted, that restitution ten-fold should be made.

The third punishment of such as unjustly possesse themselves of other mens goods, is, that they should hope for no remission of their sins, untill they had made restitution; for *Peccatum non remittitur, nisi restituatur ablatum.* And that there can be no repentance, unlese the goods ill gotten bee restored, is confirmed by this speech of *Augustin* in his Epistle to the *Macedonians*: There is no performance of Repentance, if the goods

f Bonifac. 8.
Rul 4. in the
Can. Law.

Cant. 5.

of

of other men be not restored.

4. To bring Banckrupts to a true
sence of their sinnes , and to fit them for
Gods gratiouse work upon them, and the
obeyning of pardon of their offences ,
by the edict of the Lateran Councell
was decreed, that they ought ^b to be ex-
communicated , who possesse themselves
of mens goods , unlesse they restore them
to their owners , their heires or others , to
whom by law the wronged persons
goods descended , because they rob and
deprise them of their estates , whom ac-
cording to the rule of Faith they ought
to relieve.

b Lateran.
Conc. under
Fabian.

See here how antiquitely decrees were made to withdraw men from fraudulent dealings, such as are the subtilties of Banckrupts, and to lay Condigne punishment upon them. As men cut of those parts of their bodies, which want blood & spirit, and would harme other joynts: So evils are to bee taken away from among men, and to be rooted out by good lawes, lest they prove pernicious and hurtfull to the Church and Commonwealth, or the parts and members of the same; Of which kinde, we accompt the Courses of Banckrupts in getting into

§. Divine
Laws against
Banckrupts.
Curt. 7.

b Euryp.

their clutches other mens goods, and robbing and defrauding them thereof.

Some may think the Canon Law milde, because it inflicteth no severe punishment on fraudulent and crafty Banckrupts. Come wee then Fifthly, to speak of divine vengeance which no man can escape, who layeth Covetous and false fingers on other mens goods. The Heathen Poet could say, *They who blinded with b folly, and possessed with madnesse, out of opinion and hope of gaine, neglect Justice, shall surely smart for it:* God whom they see not, will come upon them with a silent foot, and though long after, will catch the wretched man. Thus saith the Poet; As if he had learned from Deut. 25. That he is an abomination to God who soever doth what God forbids and deales unjustly.

Now God punisheth such false dealers severally,

- 1 With externall { punishments in
- 2 Internall } this life.
- 3 With grievous punishments after this life.

Banckrupts perhaps promise to themselves much happiness by lurching others of their goods; but behold how they

they (such namely as bee wicked men among them) beguile themselves, not minding how great damage so small gaine bringeth unto them.

Hearc yee this; & yee that devoure the poore, and thrust the needy out of the earth! Alas deceived souls, of all miserable men the most miserable, I appeale to your selves, you Banckrupts, who get into your hands great sums of money lent yee, and with set purpose and intent run your Countries, & faine false courses by which you lost them, that having put your Creditors to troubles, suits, and expence, and thereby wearied them, you may force them having been thus vexed, to compound with you upon unreasonable conditions. I pray you say what you shall gaine in the end, when for that fading pelfe, which you have so greedily and fassly hunted after, and got by hook and crook, you shall at last reap a sad and fearefull harvest. O sad and lamentable harvest, of externall and internall paines in this life, and of endlesse paines after this life: Of these I will now speake in order.

First, God hath appointed externall divine punishment to be laid on Banckrupts.

Certaine

c Amos 8 4.

3. External
divine punishments on
Bankrupts.

Certaine it is that God the Law-giver hath assigned just punishment to them that unjultly get other mens goods into their hands. *Exod. 22. 4.* he maketh this law ; that he which taketh away another mans goods, shall make restitution five fold, or double, according to the nature of the theft, And that if he have not wherewith to give satisfaction , that he be sold, for making good the theft : Nor doth it much skill by what means hee doth get another mans goods, and taketh them as his owne possession : Seing God will not have this rule of Justice, (that each man should enjoy his owne estate and meanes) by any wicked course to be violated, without due punishment ; yea that ^a by no meanes , equity may be left unvindicated , God hath concluded that not the debtors only, but their wives and children should be taken and become servants to the Creditors,

^a Jod. Nahum
Domin. 22.
Trim.

^b Ex. 21. 7.
Lev. 25. 39.
Deut. 15. 12.

This shall be made evident by reasons and examples : As it was lawfull among the Hebrewes ^b for a man to sell himselfe and his Children also, when hee was impoverished : So it is credible that there was some Magistrate , who at the suit of the Creditors , when the debtors were

were insolvent, did require them to sell themselves, and their children, that by this course the debt might be discharged.

This may manifestly enough be collected from the parable, *Matt. 18.* of the King who had bid that his debtor and his sonnes might be sold, that payment might be made.

With this agreeth *2 Kings 4.* Where a Widow complayneth to *Elisha* that her Creditor did press her earnestly, that he would take her two Sons from her to be his servants.

What condition is more grievous than servitude? If our deere children and wives should be taken from us, and put to perpetuall servitude, what lamentation, what sighes would these put us unto? Now it is evident by these places of Scripture, that debtors, who were not able to pay, were in those times sold, that fidelity might be observed, and every man might have what in truth was due unto him.

Secondly, God hath appointed internall punishments to light upon Banckrupts; even such paines as will not onely outwardly afflict the body, but inwardly also.

Internall di-
vine punis-
hment.

* Cic. orat. for
Cluent.

b Origen.

c Senec epist.

d Horac.

also trouble the minde ; such as are anguish, feare, sting of Conscience : for Conscience ^a is implanted in us by the immortall God , so that it cannot be extinguished. And truly God hath for our great good given it unto us , that it might be ^b the Corrector of our affections , and the tutor of our reason , that it might be a bridle to us before we sinne , because ^c it hath in it a detestation of that thing which nature condemneth ; and a scourge after sinne ; because when sin is committed , it understandeth the grievousnes of it.

This we see to be true by experience in unjust men, which though they be environed and defended with the countenance and assistance of great men , yet when their consciences are troubled , their mindes are inwardly gnawed with wondrous torments , which never give them a breathing space , never suffer the to rest . So that they are not unlike to *Prometheus* ^d who is said to be chained upon the hill *Caucasus*, and to have his liver torn continually by a devouring Vulture . In this manner fareth it with Banckrupts ; who rob others of their money . So that if not in the very act , yet soone after it , they

they feele grievous stings and whips, which for their frauds and wicked shifts like tormentors doe gore and lash them.

For no man can long joy in the success of his fraudulent Courses: fall out it will sooner or later that evill men shall find how they have purchased a prey little worth, with great losse and heavy discommodity. But thou wilt say, they laugh, and rejoice. I confesse it, but their joy at their banquets is not a true and right joy: Surely tis no other than joy of such as lying in prison adjudged to death, sometimes play at cards and dice, and think to beguile their grieve, but cannot; for the terror of the punishment shortly to be inflicted is so deep imprinted in their minds, that it cannot bee removed. The representation of pale death still attendeth in their sight; so the punishment due to the wicked dealings of unjust Banckrupts & insolvent tradesmen, sticketh fast in their mindes and suffereth them not to rest. The conscience privy to their wicked fraudulent and injurious dealing, doth disquiet and terrify them with restlesse and distracting thoughts.

e Sen. epist.

These

s Cic.

b Juvenal.

3. Divine pu-
nishments up-
on Banckrupts
after this life.a Gualt. in
Hab.

b Psa. 5. 7.

c Ecclcs. 23.24.

These are the continuall s and home-bred furies, which day and night bale wicked men to punishment, which trouble the fraudulent and impure heart, that it can be quieted neither sleeping nor waking. O most wretched men, whose ^b minds a guiltie conscience lasheth with stripes, which others hear not!

3. There are grievous punishments after this life to be by Gods Justice layd upon Banckrupts. Now goe too, you Banckrupts, howle and lament for the miseries, which shall come upon you; you have done ^a much evill unto other men, but yet yee have robbed them of nought but transitory and momentary riches; whose losse may bee repaired sondry wayes; but in this Circumvention of others, you have defrauded your selves of endless happiness, and plunged your selves into hell: For, God ^b abominateth the deceitfull man, and will destroy all workers of iniquity: and denouncest that the wicked shall not possess the Kingdome of Heaven. But what is that I heare? you say, who ^c seeth us? darknesse encompasseth us, the walls hide us, and no man seeth us, what should we

we feare ? God on high remembreth
not our sins. Be not deceived ; certaine
it is , that we must all appeare before ^d Act. 10.
the Judgment Seat of Christ : that every ² Cor. 5.
one may receive according to that which
he hath done in his body , whether good
or evill : your inward and your outward
actions, all your sins shall be ballanced ;
behold ^e the Lord commeth with thou- ^e Jud. 11. & 14.
sands of Angels to bring all men to judg-
ment , and to judge all wicked men for
all their impious works ; your words,
whether they be idle or deceitfull, must
bee accounted for , and your thoughts
whatsoever must come to Judgment ,
and then your conscience shall beare
witnesse , and your thoughts accuse or
excuse one another in that day,in which
God shall judge by Jesus Christ all the
secrets of men according to the ^fGospell.
Then fourthly in a word , account shall
be taken of you for all the extent of your
whole lives , in what manner you have
spent it. Woe to you poore souls. Whi-
ther will yee goe ? if yee be found in
your sins, where will bee your refuge ?
And fifthly, whereas in times past of-
fenders fled to Temples and Altars , and
debtors might not be taken thence by
their

their Creditors ; and at this day there be privileged places, which as Sanctuaries, keep Bankrupts and insolvent men from molestation; in the last day the fraudulent cannot escapo, there will be no Sanctuary to protect them.

And sixtly, there will be no escape, no starting-hole, no shifting for malefactors; there can be no colour to cloake their lies and cheating, no pretence sufficient to boulster out their frauds & guile. Such as had nothing truly their owne, but a tongue to lie and forswear, and fraudulent cunning tricks and wicked devices to rend and raze in peeces other mens estates, and leave them with bare and naked corps, shall truly appear themselves and shew what they are.

f 1 Pet 4. 5.

g Matth. 5.

h Fulgent. in
Matt.

i Aug. de verb.
Dei.

Seventhly, let them consider that God the Judge of quicke and dead, is most just; that he will put on righteousness for a breast plate, and true judgment instead of an helmet; and so adjudge all men; that & every tree that bringeth not forth good fruit, shall be hewen downe and cast into the fire. And if h barrennesse and want of doing good be cast into hell fire, what will false dealers and robbers of other estates deserve? If hee bee cast into

into the fire , who hath not been libe-
rall in giving his owne goods ; into
what shall he be throwne , that hath
taken away other mens goods ? if hee
burne with the divell that clothed not
the naked ; where shall he burne , that
tooke away his clothing ? They ^k are
justly punished who abuse their owne
lawfull goods : So Satan lost Heaven
and *Adam* Paradise ; but more justly
shall they be plagued , who unjustly
rob others of their estates.

*Hugo B. 2.
of the Soule.*

Thus have you heard , what will
be the punishments of Banckrupts. In
due time take heed , and avoid unjust
dealing , and conceive that what is here
spoken , is as a bitter pill , not to please ,
but to profit you ; distastfull to your
cares , but serving for the Cure of your
hearts , that yee may be drawne to re-
pentance by the feare of danger and pu-
nishments hanging over your heads ;
and so to ¹be counted worthy to escape / *Luk 21. 36.*
miseries to come , and to stand before
the Son of man.

G THE



THE PRACTISE
OF THE
BANCKRVPTS
OF THESE TIMES.

The fourth Part,

*Concerning the remedy of
their practises.*

TIS now full time to come to the remedies of Banckrupts practises: For we have layd open their wounds, not out of a desire to hurt them, or shame them: but to better them, and cure their maladies. Now as Physitians having found the causes of a disease, thinke the cure also found: So wee having found the causes of this mis-

mischief and sicknesse, will attempt to discover the remedies: And because ^b old diseases, and so ill manners of men inveterated and habituated, require the more care in their cure: We also for the cure of the spreading disease of Banckrupts, will with all care imitate the guise of the Egyptian ^c and Grecian ^{c Galen. 5.} Priests; who set up notes for the cure of common diseases in publick places.

Let us then in like manner publish holy Antidotes and preservatives for the cure of Banckrupts diseases, which we wil borrow from the sacred Scriptures: For Gods ^d Commandement is ^{d Prov. 6. 23.} a Lanthorne, and Instruction is a light, and reproofs duly applied are the way of life. They therefore shall doe amiss, who will be offended with friendly advise propounded for to free them from a deadly and old disease, and to give them Cure and remedie.

Banckrupts must necessarily confess their sins and offences: Hee that hath fallen off from God and languisheth under the burthen of his sins, ought for a perfect cure of his disease perfect-

ly
1. Banckrupts
must confess
their sins.

ly to turne againe unto his God. Now the first step or degree of a mans conversion is the confession of his offences : He ^a that telleth his dreame, may justly be concluded to be awake, and he that searcheth for his sins, and confesseth them, may be rightly judged to be in the ready way to recovery : But thou wilt say : Indeed I shamed not to commit sinnes, but I am ashamed to confess them. O ^b incredible folly I art thou not ashamed of the wound, and art thou ashamed to have it bound up ? Hee that denyeth, ^c concealeth, and covereth his vices, maketh them to take deeper root in him ; and he stoppeth up the way to his cure, that will not open the cause of his disease to his Physician. Tell mee how will God vouchsafe to pardon that sinne, which man will not vouchsafe and humble himselfe to confess ? Wherefore ^d for thy Souls good bee not ashamed to confess the truth : there is a shame that bringeth sinne, and there is a shame that bringeth grace and glory. In regard of the concealing and not confessing sinne : the Kingly Prophet said;

^a Senec. epist.

^b August.

^c Plutarch.

^d Eccles. 4. 21.

When

When I kept ^c silence , my bones waxed ^c Psal. 32. 3:
old through my roaring all the day long:

and to encourage us to confession ^{Sc}

John saith, If wee ^f confess our sinnes , f 1 John 4. 6.
God is faithfull and just to forgive us
our sinnes and to purge us from iniquity.

Thus is Confession Salvation to the
Soule and the queller of vices. Where-
fore let not the Banckrupt conceale
and hide, but confess and acknowledge
his offences.

Secondly , Banckrupts must repent
of their sins : for it is not enough for an
offendor to confess and lay open his
sins ; hee ought also to repent and for-
sake them ; he that repenteth of his sins
is in some iort innocent. Repentance ^a
hath not the least place among the ver-
tues : because it is a correcting of a
mans selfe ; and if when we have sin-
ned we grieve thereat and confess that
we have done amisse, and crave pardon
of God , hee (such is his mercy) will
not deny us pardon , unlesse we con-
tinue in our sinnes : Great is the help ,
great is the comfort of repentance , it
is the curing of our wounds and the
hope and haven of our safety. When

2. Banckrupts
must repent of
their sins and
leave them.

^a Lactant.
instit.

b Psal. 32. 5.

David **b** betooke himselfe to this harbour and confessed his sinnes , he found that God forgave the iniquity thereof: for God is a most loving and kinde Father, and promileth remission **c** of sins to them that repent , and will blot out all their offences , who begin anew to doe justice.

c Ezek. 18. 21.

Wherfore O sinner , put a period to thy naughtiness , take a breathing time , consider well thy case , dispaire not , hope in him whom thou fearest ; fly to him from whom thou runnest away , deplore and lament thy wicked life , so long as thou livest : Turne againe **d** and repent , lest thou having bin circumvented by the Devil to circumvent , cheat and beguile others , beest cheated and deprived of eternall life , and boest adjudged to eternall death.

d Anselm.
3. Banckrupts
must pray for
pardon of
their sins.

e Chrysost.

Thirdly , Banckrupts ought daily to pray for remission of their sinnes , for seeing the cry of the Banckrupts evill courses hath pierced the eares of God, they ought also to cry aloud and often to God for pardon of their sins. Great is the force of prayer : fire **a** doth not more take away rust from iron , than prayer

prayer purges the filth of our sins; where-
fore let the Banckrupte pray now as
heartily and opportunely, as he hath
hath sinned highly and proudly. Let
him prepare his heart constantly to
powre out his supplications and pray-
ers, and in the end he shall prevaile for
pardon. With heart and tongue let him
thus say. O Lord, though I have lost
my integrity by my sinne, yet have I
not bereaved thee of thy mercy; doc
not, O Lord, so observe the evill of my
sins, as to forget the goodness of thy
nature: Be not so mindfull of thy just
anger against my guilt, that thou
minde not thy loving pitty to poore
wretches. True it is, that my guilty
conscience hath deserved damnation,
and my repentance hath not been suffi-
cient to satisfie thee. But sure it is, that
thy mercy is beyond all my sin: Ther-
fore O Jesus, bee to mee Jesus and Sa-
viour, for thy names sake; let thy pit-
ty be extended to me, while the time
of mercy lasteth, lest I be condemned
in the time of Judgment. If thou takest
me into thy bosome, there will not be
lesse roome for others.

3. Banckrupts
ought to repay
every man his
due.

a Rom. 13. 8.

b Senec. B. 5.
of benef.

c Senec. epist.
81.

d Luk. 19. 8.

e Tob. 9. 7.

f Plutarch.

g Diod. B. 17

Fourthly, Banckrupts ought faithfully to repay money borrowed; for to the end that a debtor may lift up pure hands and minde to God, assuredly it is very expedient that he pay the whole summe borrowed; for a Christian ^a should owe nothing to any man but love; wherefore ^b he that is obliged in any kind to another, ought faithfully to discharge the same. Hee is ^c not well-minded that doth more willingly borrow, than repay.

See how *Zacharias* not grudgingly entertained Christ at his house, yea how willingly he gave satisfaction to them, whom he had defrauded, which appeareth not by a bare, but by a four-fold restitution, when Christ told him of Salvation come to his house: for thus he saith, *Behold Lord, if I have wronged any man by forged cavillation, I restore it fourfold.* So it is said of *Gabriel* debtor to *Tobias* ^e Upon sight of the writing and scale he presently made payment. ^f *Gelo* the Tyrant payd the money borrowed of his subjects, as soone as the occasions of his troubles were ended. And *Alexander the Great*, when

when *Asia* was vanquished, out of his owne treasure paid the debts of his Army to their Creditors. Neither indeed ought the care of a private man to be lesse for the performance of his promise and maintaining his Credit by an exact payment of the money which he oweth. Above all a Christian should surpass all Pagans and Infidels in care to pay his debts, and maintaine his credit by performing his promises and Covenants.

Fifthly, a care must be used by Banckrupts in all things to avoid lying: for seeing they who resolve to be rich, oftentimes in their courses baulk truth, sure it is that in such straying pathes a Banckrupt also walketh: and therefore hee is to be admonished to avoid falsehood in his speech, and to think with himselfe that to ^a lye, to beguile, to supplant others, by cunning to deceiue them for his owne profits sake, is in no wise incident to a good man, and that a fraudulent ^b tongue hath its residence only in the mouth of the wicked.

5. Banckrupts
must avoid ly-
ing.

^a Cic. Offic. 3.

^b Mich. 6.

The Persians and Indians so detested
lying

c Alex. of A-
lex. B. 6 c. 10.

d Ibidem.

e Ibidem.

f Erasm. in
Adag.

g Cic. Offic.
B. 1.

h Plat in Tim.

lying that they put it in the rank of the greatest Crimes : And enacted a law, that hee *c* which deceived his Clyent and thrice abused him by lying, should be enjoyned silence for all his life time, and should bee uncapable of all magistracy and honor.

Artaxerxes *d* so wonderfully hated lying , that hee commanded a lyers tongue to be fastned to a post with three nailes.

Epaminondas *e* was so serious a lover of truth that hee never spake a false word, no not in jest.

The *f* *Athenians* forbad lying in markets or places of Commerce : because it is never more frequent or impudent any where than there ; and what doth more become a reasonable man, than *g* to make use of true reason and speech, and in all things to have an eye and due regard to truth ? And on the contrary it is as unbecoming a man to deceive and beguile, as to dote , and not to be himselfe. Much more should a Christian be of this mind.

Speech was *h* given us of God , that mutually we might unfold and declare

out

our mindes one to another , and there-
fore a good man ⁱ will avoyd lying , ⁱ Nigid. in A.
and a prudent man ever tell the truth. ^{gell. 11. B.}

Especially as saith *Laetantius* , He that
^k is a worshipper of the true God , ^k Of true wor-
should take heed , that hee never bee
found to lie with an intent to deceive
or wrong others; for it is a foule fault ,
that he who maketh truth his study , in
any thing should deale falsely , and de-
part from that truth which he pretend-
eth to follow after. In this path of Ju-
stice & all vertues there is no place left
for lying. Therefore he , who is a true &
just traveller therein , will not only say
with *Lucilius* , a man must not lye to his
friend and familiar , but further add
and resolve , that no man ought to lye
to any other man , no not to one wholly
unknowne to him , no not to his ene-
my , or at any time suffer his tongue ,
which should be the interpreter of his
heart , to be at variance from his mean-
ing and thoughts. Every deceiver ^l is ^l Prov. 11.
an abomination to the Lord ; wherfore
let us follow the Apostles rules , And
^m not one to another , but laying ⁿ a- ^m Col. 3. 9.
side false speaking , utter the truth each ⁿ Ephes. 4. 25.
man

man to his neighbour, for we are members of one another.

6. Banckrupts
ought to shun
Covetousnes.

1 Tim. 6.9.

Jud. 11.

c 1 Tim. 6.10

d Seneca ep. 51.

e Idem. epist. 11.

f Horat. carm.

3.

Sixthly, the Banckrupt ought to abandon all Covetousnesse, and to have a lowly minde, and to be well content with his estate: for a Covetous purpose to bee rich is a great spurre and provocation to much injustice; they that be sick of this malady fall into temptation and snares and into many foolish and hurtfull lusts. The wages of deceit, which caught *Balaam*, will chaine up these men to their confusion. Let a man be a slave to these covetous and furious desires, they will drawe him into destruction and perdition: for the love ^c of money is the root of all evill, after which while some coveted, they erred from the faith, and pierced themselves through with many sorrowes. Wherefore as much detest them as thou wouldest the Egyptian theives, ^d who pretend love and imbrace strangers with an intent to strangle them. Let thy desires ^e be moderate, thence canst thou not fall. Wee erre ^f in calling him rich who posseseth much; that name is better placed on

on him, who wisely useth Gods gifts, and hath skill patiently to beare poverty. A man is so much the happier, by how much his fardell is shorter trussed up for his journey.

Why then should any man covetously thirst after riches ? A little ^b *Psal. 37. 16.* which the righteous hath, is better than great plenty of the wicked : yea better is a little with feare of the Lord, than great treasure where there is vexation and iniquity : Wherefore ⁱ *Heb. 11. 6.* Let your Conversation be without Covetousnes : for by conquering a Covetous and high spirit, you shall possesse a larger Kingdome, than if you should raigne over *Lybia* and the furthest parts of the world Northward, and ^{Horat.} make both India's doe you ho-^{2. Carm.} mage.

Seventhly, Banckrupts ought to shunne perjurie, and performe their Covenants. For perjury is a sinne abominated ^a by the heathen, among whom this speech (I swore with my tongue, ^b my minde is unsworne) was held most wicked and unjust ; much more should a Christian

7. Banckrupts must shunne perjury, and keep covenant
^a Erasm. de
ling.
^b Euripid. in
Hippol.

*c Alex. of A-
lex. B. 6. c. 10.*

*d Deod. B. 2.
Alex. B. 10.*

e Idem Alex.

stian take heed of all manner of perju-
rie: Hearc how some Natiōns puni-
shed it: Among the Indians *c* hee who
was convicted of perjury, was punish-
ed by having his fingers and toes cut
off. By the Egyptian lawes perjured
men *d* had their heads cut off: because
they were guilty of a double crime,
First, for violating their dutie and faith
to God; Secondly, for not holding
and observing fidelitie with men;
which is the greatest bond of humane
society. And even *e* at this day the hu-
mane punishment is disgrace and infa-
mie, the divine punishment of perju-
rie is destruction.

That men may seriously avoyd both:
Let every man esteeme more his God
than his gold, and Godlineſſe than
gaine, and ever obſerve faithfull dealing
in all his actions.

The Romans were so carefull of
their fidelity that they founded a
Temple of *Fides* or *True Dealing* in
their City, to teach all men to expreſſe
faithfulnes in all their words & deeds.
And that fidelity might bee inviolably
obſerved by the Romans, *Numas* their
King

g Plutarch.

King consecrated the right hand to it. Let then Christians take heed of a slippery and unconstant fidelity in their right hand, and to play fast and loose at pleasure in their speeches. Let their breasts be purged of this filth, that they may be Temples of God glittering and adorned with the resplendant rayes of faithfulness and truth.

Eightly, the Banckrupts ought to observe just dealing in all their Courses. It is a most undoubted truth, that it is impossible intirely ^a to observe just dealing, where a man hath an eye to the greatness of his gaines: Let each man ^b therefore think with himselfe, that a man ought not to decline from true dealing, nor wrong or beguile any man thereby to advance his owne estate. Heathen *Tully* therefore said well, that the markets and minds of men were both to be purged from ^c all footsteps of wicked and unjust dealing. And God by *Esay* ^d biddeth, wash yee, purifie yee, put away the evill of your doings from before mine eyes, cease to doe wrong,learne to do good. And *Laetantius* ^e saith rightly, It is ^f B. Of true the worship. 6.13.

^{8.} Banckrupts
must deale
justly in all
their course.

^a *Tacit. Ann.*

^b *Ambros. in
his Offic.*

^c *Orat. for
Rabir.*

^d *Esay 1. 16.*

^e B. Of true
the worship. 6.13.

*f Sence. of an
hap. life.*

Stob. Serm. 42.

*Cælius antiqu.
lect. 23. 9.*

Psal 8.

the chiefe point of a wise, just and ho-
ly man to accompt it his riches to
deale justly. And if any man be other-
wise minded, though he passe *Craesus*
or *Craesus* in wealth, yet he is to be re-
puted a poore man. And therefore a
wise man *f* will let no penny come
within his dores, that had not an ho-
nest and just entrance. If example will
prevale with us, The Ethiopians, es-
pecially the Macrobians were (and are
so stiled by *Homer*) most holy and most
just. Among the Scythians there are a
people, whom no man will wrong :
because they be held to be sacred ; and
whosoever sojournes among them, they
keep him secure from all harmes. The
Thuriacks much exercised in Merchan-
dize, are free from all craft and deceit.
If these things were practised by Hea-
thens, they should not be neglected and
grow into disuse among Christians.
Especially seeing God by his holy Pro-
phet, when question is made, *Who
shall dwell in in th. holy mountaine and
rest in thy holy hill?* Answereth: *Even
he that walketh uprightly and worketh
righteousnes.*

A Banckrupt must ninthly avoid hypocrisy, and be truly vertuous. ^a St Bernard complained ^a that in his dayes the filthie contagion of hypocrisy spread it selfe into many mens minds and became the more dangerous and desperate, by how much it was more common; because connived at. The best Counsell and most compendious way to root out this mischiefe, is to strive for a serious and true performance of each mans dutie; for as the light ^b of the Sun makes the light of the Candle seeme nothing, and quite extinguisheth the pleasure and benefit which we tooke in it: so the splendor and noblenesse of true vertue will Eclipse and darken the esteeme of all outward things and the covetous desire thereof. Vertue and true godlinesse maketh men truly noble, and entitles them good men. Therefore, whatsoeuer wild ^c and fruitlesse boughes spring in thy heart, prune them off, and graft better fruit thereon, even the fruit of true vertue, which is the peculiar good belonging to mankinde, expecially to a Christian man, who beareth about in

9. Banckrupts
must be truly
vertuous and
avoid hypo-
crisie.

^a Bern. on
Cant. Serm.
602.

^b Cic. 2. de
finibus.

^c Horac. Epod.

him the Image of his God, and is never more mindfull of the Name of God, than when hee is not onely an hearer of Gods Word, but really and indeed a practiser of the same. And a Christian man is a living Temple of God, and is not so much to be adorned with gold and the corruptible splendor of pearles and precious stones, as with everlasting and glorious ornaments of true vertue and an holy life.

Lauftane.
Instic. 5. 8.

10. Costly apparell must be avoided.

Tenthly, such as would not bee Banckrupts, must abstaine from superfluous expences, and namely from too costly apparell: for if needless and too sumptuous outward ornaments spend mens estates. Banckrupts must shunne expence herein. For as *Seneca* saith, all goodnessse and vertue is extinguished by the fickle unconstancy and too great nicety of adorning the body. *Alexander*² having conquered the Persians, left the modest Grecian habit for the effeminate Persick Garbe, whence the more noble Macedonian spirits deemed not the Persians so much conquered by the Grecians Armes, as the Grecians triumphed over by the Persians

² *Atheneus*
B. 12.

Eleventhly, hee that would avoid impoverishing of himselfe and being Banckrupt, must not build for his private use stately houses and magnificent pallaces; such as his own ground will not susteyne, without extending their foundation into his neighbors and Clyents bounds, nor his estate maintaine without borrowing. Such builders commonly forget their Sepulchers, and set their debts farthest off from their thoughts; yea they ^b make all things about the more worthy to be scene than themselves, and take great care to have their buildings an honor to themselves & themselves a disgrace to their buildings. I wish that such as these are, would consider truly, what is to be thought of brave buildings: Are they not meere shewes, vanities, bubbles? *Salomon* ^c Eccles. 1. built him royll houses, prepared gardens and orchards: So that hee was great and increased in all things beyond all that were before him: But when hee had thus denyed his eyes nothing which might content him, and had considered with himselfe, and justly judged of the works of his hands, be-

11. Stately building is to be avoyded.
Horat. Carm. 2.

^b *Salust.*

B. 1. of true
worship.

hold all were but mere vanity and affliction of Spirit : For (as saith *Laetantius*) they are soone either ruined by a sudden earth-quake , or consumed by fire , or taken away by enemies invasion , or moulder away in time. For there is nothing erected by humane art & industry, which time doth not waste and consume. Why then ^c should man let his mind wander after vaine things?

f Cic. Offic. I.

g Epist. 7.

h Cicero.

This made the Heathen ^f Orator to dehort from sumptuous and magnificent buildings, and to require a meane and measure as in the whole course of mans life, so especially in building. And surely let a ^g man weigh all things duely, and he will , as *Seneca* adviseth , think meanely of all ornaments and glorious superfluities , which the needless labour of man produceth , and count nothing wunderfull, but the soule which being of greatest worth of all things in this world , can here finde nothing greater than it selfe. Besides let a man ^h look upwards and behold the everlasting pallace and mansion above, then can he not set his care , or fix his hope and trust on buildings , lands , or any humane

mane thing, which the common sort of men so much applaudeth. And therefore sacred scripture telleth us of an house ⁱ and building not made with hands, but eternall in the heavens, where is all perfection of blisse and happiness. So that it cannot otherwise be, but that thou shouldest disesteeme thy roomes set out with marble and pretious stones, and the vaulted-roofe glittering with gold, when thou remembreſt, that God hath prepared for thee an heavenly houſe, in which heſ himself abides as the Temple.

^{i 2 Cor. 5. 1.}

Cyprian Epist.
to Donat.

In the twelfth place riotousſe and ſumptuous banqueting is to be avoyded. And why ſhould a man lavish out his wealth in prodigious and prodigall banquets? Why ſhould he ſeek for delicates from all parts, and never think his table ſufficiently decked and adorned? In old time men contended to excell one another in vertue and moderation; and now will they outvie each other in wanton and needless riot, in curious dainties, and night-revellings and banquets? Is all frugality to banished that men ^b are not contented to glut ^b their

<sup>12. Riotous
and ſumptuous
banqueting is
to be avoyded.</sup>

<sup>Tacit. hist. 4.
Senec. epi. 95.</sup>

^c Cic. Offic. i.

their teeth, pallates, stomacks and bellies, but have gluttonous eyes, not easily satisfied? did they but consider what is the excellency and dignity of man, they could not but conceive, how base and beastly a thing it is to run out into a riotous delicious and wanton course of life, and how commendable it is to live sparingly, continently, gravely,

^d Senec. ep. 65.

soberly. Surely a man is a more excellent creature and borne to higher matters, than that hee should become a drudge to his body. And shall hee ^e, when God hath given him a soule, than which nothing is more excellent and divine, so abase and vilify himselfe, that hee shall make no difference betweene himselfe and a beast? Let him

Alex. of Alex.
B. 3. c. 11.

rather think, what becometh the endowments given him by God, and avoid rare, new invented delicates, rich-prized and sumptuous dishes, exquisite sawces and provocatives of gluttony. If any pretend that different times require different manners: I wish that ^f old and frugall course of frugality and sobriety might rather doe man honor, and maintaine his strength and hardnes,

^g Plaut. in
Trin.

hardnes, and fit him for vertuous actions, than new and worse courses and manners make him contemptible, effeminate, and unfit for any worthy imployment. But some will say, custome hath prevayled, and if there be a fault of that kind among men, it is not at all discerned: because it is growne common. *St Gregory* answers this, saying that custome is not to be of force to induce any man to sinne; An evill custome as an evill humor or disease in the body, is to be purged out and quite extinguished: lest wicked men should draw it up by degrees into a priviledge. Let a pious Christian rather learne how little serveth to maintaine a sober and religious life, and what moderation contenteth and best fitteth nature, and so shall his minde be hardened against excesse, and taken off from all allurements to pleasure and deliciousnes.

The Banckrupt in the thirteenth place to shunne all excesse of pleasure and to bridle all exorbitant desires, and free his minde from all pernicious and voluptuous incitations to evill: Let him

Greg. c. 10. in
the decrees.

13. The Banck-
rupt must a-
void pleasure.

22 Pet. 2. 11.

b Hieronym.
Epist.

Laftant.

him give care to the Apostle, who saith, *Beloved, I beseech you as strangers and pilgrims, abstaine from fleshly lusts which fight against the soule.* 'Tis a high point
 b of vertue for men that carry flesh about them, not to live according to the flesh, but to watch this enemy included and carried about in them, with *Argus* hundred eyes; that the soule and better part become not slave to the body and worse part of man. Man hath a continuall warfare to exercise himselfe in: hee is never at quiet; diversities of pleasures doe still and ever invade him; what a carefull watch, what scouts & centinels, what strong bands are to be prepared for the opposing and overcoming so subtle, pernicious, and mortall a foe. Suppose wee that these things be so, though the fight be dangerous, yet is the victory glorious, which hee shall obtaine who subdueth and quelleth his unruly affections, banisheth poysous pleasures, warreth against all beastly lusts, and endevoureth to compose his life after the rule prescribed by the divine and sacred lawes. And this shall any man
 more

more easily doe ; if he consider with what endless paine & intolerable torment a short and small pleasure is bought. If any say, I finde corruption so strong in me that I cannot abandon and cast off pleasures which insinuate themselves into my heart most powerfully. To him I answer : This softnesse and easinesse of minde is to be rejected, and manly courage put on ; the affections are to be tamed and chained up : for unlesse they be mastered and made to obey, they will domineere and overrule. A care therefore must be had that sinne raigne not in our mortall bodies to make us obey it in the lusts thereof : So shall the swelling ,proud and unruly motions of mens minds (though become unbridled and wild by prosperity and successe , and lashing out beyond the bonds of reason and right understanding) be crubbed and made obedient to reason and temperance : So that the Soule shall more safely sit as Queene , and ruling more easily the quelled affections (which otherwise would draw men from obedience to Gods Law and reasons direction) more seriously

Horat. B.1. cp.

Rom. 6. 2.

seriously and earnestly employ it selfe
in the duties of piety and equity , and
for ever here raigne over inordinate
lusts & pleasures, till at length it raigne
in heaven with Christ, & be freed from
the least molestation and feare there-
of.

*The Conclu-
sion.*

Thus farre have I proceeded to open
the remedies of Banckrupt: s courses, &
in briefe have set down, what I judged
most profitable , usefull and effectuall.
My wish and desire is ; that my Coun-
sell may prove as pleasing, as it is whol-
some ; and may not only delight , but
Cure : which it will doe , if it pierce
not the eares of men onely , but the
hearts too ; And be not sufferd there to
lye fruitlesse , as seed lying on the top
of the ground , which dryeth , wither-
eth , and cometh to nought ; but take
deep root in the bottoome of mens
hearts , and by the rayes of Gods good-
nesse shining thereon, prove most fruit-
full. They whose bodies are wasted &
weakned by a lingring disease long
growing by degrees upon them , must
be cured by a continuall course of Phy-
sick, and by dayly evacuations and cor-
dials

ans delicacies. And in these times out-
landish and strange attire is so ambiti-
ously hunted after , that other coun-
treyes may seeme to have triumphed
over us and put their fashions upon us.
Yea, such is our folly herein , that not
that fashion is pleasing to our humors ,
which is most convenient , expedient ,
and usefull , but that which is last in-
vented, though it be most vaine and fan-
tastick : not that which best preserves
from cold , and is most for our health ,
but that most sets forth our riotous fan-
ey. A glorious and pompous ostenta-
tion is more regarded than a seemely
and decent moderation. Let men of this
humor know , that these things cannot
pass without Gods just indignation .
For God will visit ^b all them that are
clothed with strange apparell. Were
not riotousnesse in Apparell and ^c gal-
lantry a fault justly to be blamed: God
would never have set forth and com-
mended ^d John the Bap^tist in his rough
garment. Nor would the Apostle have
taught women not to delight in preti-
ous and costly garments , but to cloth
themselves as became women profes-
sing

^b Sophon.

^c Greg. homil.
^d on the Ge-
spel.

*Epistles.**Tully Offic.*

*f Eph. 4. 24.
Zanch. ep. to
Q. Eliz.*

sing religion, and expressing it by good works. Nor would the Gospell have spoken of a rich man clothed in silk and purple every day. Those things, which we use about our bodies, are for our souls sake, and for lifes preservation, as meate, drink, clothing, houses, attendants; whatsoever therein serveth for superfluous ostentation and delicacie is to be rejected. A cleanlynesse, not womanish or odious, but such as may free us from Clownish & uncivill neglect of our selves, doth best become us. As in most things else, so in apparel, a meane is best. Besides there is a clothing more pretious and honorable than golden Tishew, and all outward bravery: And that is the putting ^f on of Jesus Christ: Here is the true and most comely garment of all; to obtaine which, each man should employ his best care, and strive to put off the old man with his actions, and to put on the new, the Lord Jesus Christ: This garment, he that is a professor of the true faith, will put on, that he may appeare beautifull and gracious in the eyes of the most High.

Eleventhly

dials be brought to a due tēper againe :
So the sicknesse of mens minds and
harmfull maladies long rooted therein,
cannot possibly be cured , unlesse the
Physick here prescribed bee faithfully
observed , and frequently and dayly
used , and the due circumstancies of the
precepts & directions for the planting
of vertue and extirpating of evill, most
conscionably put in practise : which
that it may truly and indeed bee done
and effected , I humbly and heartily
beseech God the soveraigne ruler of all
to grant.

F I N I S.

Imprimatur,
Iohannes Hansly.